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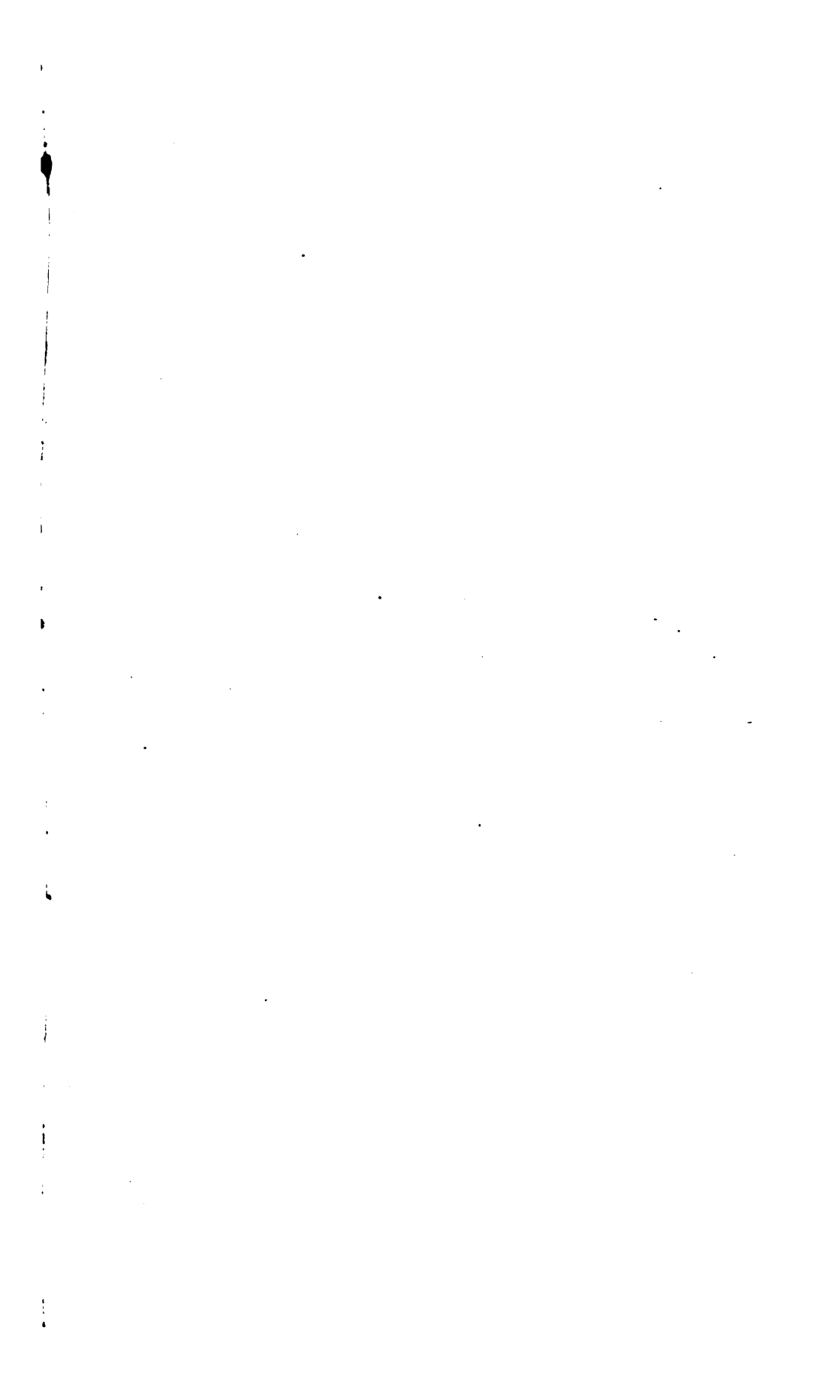
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IN THE YEAR

1883.









22237

HANSARD'S  
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

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39° & 40° VICTORIÆ, 1876.

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VOL. CCXXX.

COMPRISING THE PERIOD FROM

THE NINETEENTH DAY OF JUNE 1876,

TO

THE TWENTY-SEVENTH DAY OF JULY 1876.

---

*Fourth Volume of the Session.*

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1876.



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Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair :"—

## ADMINISTRATION OF THE NAVY—MOTION FOR A ROYAL COMMISSION—

### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "considering the present administration of the Admiralty is practically that introduced and adopted by this House in 1833, on the recommendation of Sir James Graham; and, considering the advance made in Naval armaments and the unsatisfactory condition of the personnel and matériel of Her Majesty's Navy, it is desirable that a Royal Commission be appointed to inquire and report

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(2.) Motion made, and Question proposed, "That a sum, not exceeding £1,323,750, be granted to Her Majesty, to defray the Expenses of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1877" .. 462

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“(3.) The purchase money in each case, distinguishing between the amount paid in cash and the amount secured by mortgage;	
“(4.) The date of each sale;	
“(5.) The amount of rent formerly paid for each holding sold;	
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### INTEMPERANCE—MOTION FOR A SELECT COMMITTEE—

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After short debate, Motion *agreed to*; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on *Monday* next.

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### AN IRISH PARLIAMENT—MOTION FOR A SELECT COMMITTEE—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into and report upon the nature, the extent, and the grounds of the demand made by a large proportion of the Irish people for the restoration to Ireland of an Irish Parliament, with power to control the internal affairs of that Country,"—(*Mr. Butt*),—instead thereof .. 738

Question proposed, "That the words proposed to be left out stand part of the Question."

After long debate, Question put:—The House *divided*; Ayes 291, Noes 61; Majority 230.

Division List, Ayes and Noes .. .. 819

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Original Question put, and *agreed to*.

Resolution to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

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MALAY PENINSULA—RESOLUTION—

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After short debate, Motion (by leave of the House) *withdrawn*.

Wild Fowl Preservation Bill (No. 134)—

*Moved*, "That the Bill be now read 2<sup>a</sup>,"—(*The Lord Henniker*) .. 846

Motion *agreed to*; Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

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## Prisons Bill [Bill 180]—

Order read, for resuming Adjourned Debate on Question [22nd June], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, whilst recognizing the necessity of measures being adopted to secure economy and efficiency in the management of Prisons, is of opinion that it would be inexpedient to transfer the control and management of Prisons from Local Authorities to the Secretary of State,"—(Mr. Rylands,)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question :"—Debate *resumed* .. .. .

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After long debate, *Moved*, "That the Debate be now adjourned,"—(Sir Thomas Chambers:)—Question put:—The House *divided*; Ayes 122, Noes 298; Majority 176.

Question again proposed, "That the words proposed to be left out stand part of the Question :"—*Moved*, "That this House do now adjourn,"—(Mr. Mitchell Henry:)—Motion, by leave, *withdrawn*.

Question put, "That the words proposed to be left out stand part of the Question :"—The House *divided*; Ayes 295, Noes 96; Majority 199.

Main Question put, and *agreed to* :—Bill read a second time, and *committed for Monday 17th July*.

## Customs Laws Consolidation Bill [Bill 154]—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(Mr. W. H. Smith) .. .. .

936

Debate arising; *Moved*, "That the Debate be now adjourned,"—(Mr. Dillon:)—Motion, by leave, *withdrawn*.

Original Question put, and *agreed to* :—Bill *considered in Committee*, and *reported*; as amended, to be considered upon *Thursday*.

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<b>Agricultural Holdings (Scotland) Bill (Lords) [Bill 159]—</b>	
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Committee report Progress; to sit again <i>this day.</i>	
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<b>Elementary Education Bill [Bill 155]—</b>	
Order for Committee read :— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—( <i>Viscount Sandon</i> ) .. .. .	1186
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the principle of universal compulsion in Education cannot be applied without great injustice, unless provision be made for placing public Elementary Schools under public management,"—( <i>Mr. Richard</i> :)—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After long debate, Question put :—The House <i>divided</i> ; Ayes 317, Noes 99; Majority 218.	
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<b>Admiralty Jurisdiction (Ireland) Bill—</b>	
Order read, for taking into Consideration the Lords Amendments .. .. .	1272
<i>Moved</i> , "That the Lords Amendments be now considered :"—After short debate, Question put :—The House <i>divided</i> ; Ayes 139, Noes 58 ; Majority 81.	
Lords Amendments <i>considered</i> :—First Amendment read.	
<i>Moved</i> , "That this House doth agree with the Lords in the said Amendment :"— <i>Moved</i> , "That this House do now adjourn,"—( <i>Mr. Biggar</i> :)—Motion, by leave, <i>withdrawn</i> .	
Question again proposed :—Debate arising ; <i>Moved</i> , "That the Debate be now adjourned,"—( <i>Sir Joseph M'Kenna</i> :)—Motion, by leave, <i>withdrawn</i> .	
Original Question put, and <i>agreed to</i> .	
Subsequent Amendments <i>agreed to</i> . [Special Entry.]	
<b>Norwich and Boston (Suspension of Writ, &amp;c.) Bill—Ordered (Mr. Attorney General, Mr. Solicitor General for Ireland) ; presented, and read the first time [Bill 244]</b>	
	1272

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<b>Poor Law Amendment Bill (No. 150)—</b>	
<i>Moved</i> , "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Duke of Richmond and Gordon</i> ) .. .. .	1273
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The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

### CORONERS—RESOLUTION—

<i>Moved</i> , "That further legislation is desirable with regard to the qualification and appointment of Coroners and the mode of holding inquests,"—( <i>Lord Francis Hervey</i> ) ..	1301
After short debate, Motion <i>agreed to</i> .	

### NAVY—CAPTAIN SULLIVAN—RESOLUTION—

<i>Moved</i> , "That, in the opinion of this House, Captain Sullivan should not have been removed from the command of one of Her Majesty's ships for any alleged error, shortcoming, or neglect of duty, without having been given an opportunity, if he desired it, of explaining or defending his conduct before a competent court,"—( <i>Mr. Ashley</i> ) .. .. .	1314
After debate, Question put:—The House <i>divided</i> ; Ayes, 91, Noes 103; Majority 12.	

### BLACKWATER FISHERY (IRELAND)—RESOLUTION—

<i>Moved</i> , "That, without desiring to infringe upon private rights of several fishery in the Blackwater, this House is of opinion that it is the duty of the Government to watch over and protect the rights of the public in respect to fishery in the tidal waters of that and other Irish rivers,"—( <i>Sir Joseph M'Kenna</i> ) .. .. .	1332
After short debate, [House counted out.]	

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### Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2) Bill [Bill 194]—

<i>Moved</i> , "That the Bill be now read a second time,"—( <i>Mr. R. Smyth</i> ) ..	1333
After debate, Question put, and <i>agreed to</i> :—Bill read a second time, and committed for <i>To-morrow</i> .	

### Intoxicating Liquors (Scotland) Bill [Bill 91]—

<i>Moved</i> , "That the Bill be now read a second time,"—( <i>Mr. Dalrymple</i> ) ..	1371
Amendment proposed, to leave out "now," and at the end of the Question to add the words "upon this day three months,"—( <i>Mr. Alfred Marten</i> .)	
Question proposed, "That the word 'now' stand part of the Question."	
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Bill read a second time, and *committed* to a Select Committee of Five Members, Three to be nominated by the House, and Two to be nominated by the Committee of Selection.

*Ordered*, That all Petitions presented against the Bill be referred to the Select Committee on the Bill, provided such Petitions are presented one clear day before the meeting of the Committee; and that such of the Petitioners as pray to be heard, by themselves, their Counsel, or Agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions:—That the Committee have power to send for persons, papers, and records:—That Three be the quorum,—(*Sir Charles Adderley*.)

**Jurors Remuneration Bill—Ordered** (*Mr. Henry B. Sheridan, Mr. Whitwell, Mr. Macdonald, Mr. Joseph Cowen*); *presented*, and read the first time [Bill 246] .. 1388

**Winter Assizes Bill—Ordered** (*Mr. Secretary Cross, Mr. Attorney General*); *presented*, and read the first time [Bill 245] .. .. . 1388

## LORDS, THURSDAY, JULY 13.

Their Lordships met;—And having gone through the Business on the Paper, without debate— [House adjourned.]

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Question put:—The House <i>divided</i> ; Ayes 125, Noes 30; Majority 95.	
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<i>Moved</i> , “That the Select Committee on the Bow Street Police Court (Site) Bill do consist of Five Members, Three to be nominated by the House, and Two to be nominated by the Committee of Selection.”	
Debate arising.	
<i>Moved</i> , “That the Debate be now adjourned,”—( <i>Captain Nolan</i> :)—Question put:—The House <i>divided</i> ; Ayes 8, Noes 92; Majority 84.	
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<i>Ordered</i> , That all Petitions presented against the Bill be referred to the Committee on the Bill, provided such Petitions are presented one clear day before the Meeting of the Committee; and that such of the Petitioners as pray to be heard by themselves, their Counsel, or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions:—That the Committee have power to send for persons, papers, and records; That Three be the quorum,—( <i>Mr. William Henry Smith</i> .)	
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Henry .. 1552

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Original Motion, by leave, *withdrawn*.

### Contagious Diseases Acts Repeal Bill [Bill 56]—

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Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "considering the time which has elapsed since the Report of the Royal Commission, it is desirable that the subject of the Contagious Diseases Acts be referred to a Select Committee,"—(*Mr. Eustace Smith*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question :"—After long debate, Amendment, by leave, *withdrawn*.

Main Question again proposed, "That the Bill be now read a second time."

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months,"—(*Sir Charles Legard*.)

Question put, "That the word 'now' stand part of the Question :"—The House *divided*; Ayes 102, Noes 224; Majority 122.

Words *added* :—Main Question, as amended, put, and *agreed to* :—Second Reading *put off* for two months.

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### **CONFESION—MOTION FOR A PAPER—**

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### **Fiji—ADDRESS FOR PAPERS—**

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<b>Bishopric of Truro Bill</b> [Bill 185]—	
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Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Monday</i> next.	
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### Pollution of Rivers Bill [Bill 186]—

Order read, for resuming Adjourned Debate on Question [22nd June],	
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Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for	
To-morrow, at Two of the clock.	

Police (Expenses) Act Continuance Bill—Ordered ( <i>Mr. William Henry Smith, Mr.</i>	
<i>Secretary Cross</i> ); <i>presented</i> , and read the first time [Bill 268] .. .. .	1880

Savings Banks (Barrister) Bill—Ordered ( <i>Mr. William Henry Smith, Mr. Attorney</i>	
<i>General</i> ); <i>presented</i> , and read the first time [Bill 269] .. .. .	1880



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### LORDS, TUESDAY, JULY 25.

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#### **Medical Act (Qualifications) Bill (No. 184)—**

*Moved*, "That the Bill be now read 2<sup>a</sup>,"—(*The Earl of Shaftesbury*) .. 1881

Motion *agreed to*:—Bill read 2<sup>a</sup> accordingly, and *committed to a Committee* of the Whole House on *Thursday* next.

#### **Clean Rivers Bill (No. 182)—**

*Moved*, "That the Bill be now read 2<sup>a</sup>,"—(*The Duke of Buccleuch*) .. 1881

Motion *agreed to*:—Bill read 2<sup>a</sup> accordingly, and *committed to a Committee* of the Whole House on *Thursday* next.

### COMMONS, TUESDAY, JULY 25.

ST. STEPHEN'S GREEN, DUBLIN—Question, Mr. M. Brooks; Answer, Sir Michael Hicks-Beach .. .. . 1882

PUBLIC HEALTH—VACCINATION ACT—CASE OF MR. PEARCE—Question, Mr. P. A. Taylor; Answer, Mr. Slater-Booth .. .. . 1883

IRISH CHURCH BODY — EMLY CATHEDRAL CHURCH — Question, Captain Nolan; Answer, Sir Michael Hick-Beach .. .. . 1884

DOVER PIER—ENGLISH AND FOREIGN MAIL BOATS—Question, Mr. Hayter; Answer, Sir Charles Adderley .. .. . 1885

BRUSSELS INTERNATIONAL EXHIBITION—Question, Mr. J. R. Yorke; Answer, The Chancellor of the Exchequer .. .. . 1886

NAVY—H.M.S. "THUNDERER"—Questions, Captain Pim, Mr. Anderson; Answers, Mr. Hunt, Mr. Assheton Cross .. .. . 1887

INDIA—ROMAN CATHOLIC CATHEDRALS—Questions, Mr. Whalley; Answers, Lord George Hamilton .. .. . 1889

#### **Elementary Education Bill [Bill 155]—**

Bill *considered* in Committee. [*Progress 24th July*] .. .. . 1890

After some time spent therein, Committee report Progress; to sit again *To-morrow*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

[House counted out.]

### COMMONS, WEDNESDAY, JULY 26.

PARLIAMENT — PUBLIC BUSINESS — Observations, The Chancellor of the Exchequer:—Short debate thereon .. .. . 1912

#### **Burial Grounds Bill [Bill 67]—**

*Moved*, "That the Bill be now read a second time,"—(*Mr. J. G. Talbot*) .. .. . 1913

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months,"—(*Mr. Osborne Morgan*.)

Question proposed, "That the word 'now' stand part of the Question :"  
—After debate, *Moved*, "That the Debate be now adjourned,"—(*Sir William Edmonstone*:)—Motion, by leave, *withdrawn*.

Question again proposed, "That the word 'now' stand part of the Question."

Amendment and Original Motion, by leave, *withdrawn*:—Bill *withdrawn*.

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## Criminal Law Evidence Amendment Bill [Bill 61]—

- Further Proceeding on Second Reading *resumed* .. 1925  
*Moved*, "That the Bill be now read a second time,"—(*Mr. Evelyn Ashley*.)  
 Amendment proposed, to leave out the word "now," and at the end of  
 the Question to add the words "upon this day two months,"—(*Mr.*  
*Rodwell*.)  
 Question proposed, "That the word 'now' stand part of the Question :"  
 —After debate, Amendment and Motion, by leave, *withdrawn* :—Bill  
*withdrawn*.

## Valuation of Property (Metropolis) Act (1869) Amendment Bill [Bill 74]—

- Moved*, "That the Bill be now read a second time,"—(*Mr. J. G. Hubbard*) 1939  
 After short debate, Motion, by leave, *withdrawn* :—Bill *withdrawn*.

## Homicide Law Amendment Bill [Bill 75]—

- Order read, for resuming Adjourned Debate on Question [8th March],  
 "That the Bill be now read a second time :"—Question again pro-  
 posed :—Debate *resumed* .. 1942  
 After short debate, it being a quarter of an hour before Six of the clock,  
 the Debate stood adjourned till *To-morrow*.

## LORDS, THURSDAY, JULY 27.

### *Gaslight and Coke Company Bill—*

#### *South Metropolitan Gaslight and Coke Company Bill—*

- Order of the Day for the House to be put into a Committee, read .. 1943  
*Moved*, "That the House be put into a Committee on the said (the  
 Gaslight and Coke Company Bill) Bill,"—(*The Lord Redesdale*.)  
 After short debate, Motion *agreed to* ; House in Committee accordingly.  
 After short time spent therein, Bill *reported*, without Amendment.

THE JUDICATURE ACTS—CAVE V. MACKENZIE—Observations, Question, Lord  
 Selborne ; Reply, The Lord Chancellor .. 1951

Parochial Records Bill [H.L.]—*Presented* (*The Viscount Hutchinson*) ; read 1<sup>a</sup> (No. 194) 1959

## COMMONS, THURSDAY, JULY 27.

- TURKEY — THE NAVAL FORCE IN TURKISH WATERS — Question, Mr.  
 Biggar ; Answer, Mr. Disraeli .. 1960  
 ARMY—COURT MARTIAL ON CAPTAIN ROBERTS—Question, Mr. Stacpoole ;  
 Answer, Mr. Cavendish Bentinck .. 1961  
 TURKEY — ALLEGED ATROCITIES IN BULGARIA — Question, Mr. Evelyn  
 Ashley ; Answer, Mr. Bourke .. 1961  
 FUGITIVE SLAVES—THE NEW CIRCULAR—Question, Mr. W. Holms ; An-  
 swer, Mr. Hunt .. 1962  
 ARMY — MILITARY PRISONERS—GUNNER CHARLTON—Question, Sir Edward  
 Watkin ; Answer, Mr. Stephen Cave .. 1962  
 MERCHANT SHIPPING ACTS—SHIPS SURGEONS—Question, Captain Pim ;  
 Answer, Sir Charles Adderley .. 1963  
 NAVY—THE ROYAL NAVAL RESERVE—Question, Captain Pim ; Answer,  
 Mr. Hunt .. 1964  
 PRISONS (IRELAND) BILL—Question, Mr. Murphy ; Answer, Sir Michael  
 Hicks-Beach .. 1964  
 ARMY—THE AUXILIARY FORCES—THE 1ST SURREY MILITIA REGIMENT—  
 Question, Mr. Freshfield ; Answer, Mr. Gathorne Hardy .. 1965  
 INSPECTORS OF IRISH FISHERIES — THE ANNUAL REPORTS—Question, Mr.  
 O'Shaughnessy ; Answer, Sir Michael Hicks-Beach .. 1966

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THE FIJI PAPERS—Questions, Mr. W. E. Forster; Answers, Mr. J. Lowther ..	1967
JUDICATURE ACTS—THE JUDGES ON CIRCUIT—Question, Sir William Harcourt; Answer, Mr. Assheton Cross ..	1967
UNITED STATES—EXTRADITION TREATY—ARRANGEMENT OF PUBLIC BUSINESS—Question, Sir William Harcourt; Answer, Mr. Disraeli ..	1968
ARMY MOBILIZATION—THE MONAGHAN MILITIA—Question, Mr. Owen Lewis; Answer, Mr. Gathorne Hardy ..	1969
TURKEY—THE INSURRECTIONARY PROVINCES—Question, Sir H. Drummond Wolff; Answer, Mr. Disraeli ..	1970
ARMY—LINE AND SCIENTIFIC CORPS—THE GARRISON OF BELFAST—Question, Major Beaumont; Answer, Mr. Gathorne Hardy ..	1970
NAVY—H.M.S. "THUNDERER"—Questions, Mr. Anderson, Mr. Goschen; Answers, Mr. Assheton Cross, Mr. Hunt ..	1971
HARBOURS OF REFUGE—THE NORTH EAST COAST—Question, Sir Eardley Wilmot; Answer, The Chancellor of the Exchequer ..	1972
THE NEW FOREST—Question, Lord Henry Scott; Answer, Mr. W. H. Smith ..	1973
THE IRISH CHURCH—SALE OF ECCLESIASTICAL EDIFICES—Question, Mr. A. Moore; Answer, The Solicitor General for Ireland ..	1973
CRIMINAL LAW (IRELAND)—CANVASSING JURORS—Question, Mr. Bruen; Answer, Sir Michael Hicks-Beach ..	1974
INDIA—PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS—Observations, Question, Mr. Goschen; Reply, Mr. Disraeli ..	1974
<b>Elementary Education Bill [Bill 155]—</b>	
Bill considered in Committee [ <i>Progress 25th July</i> ] ..	1976
After long time spent therein, Committee report Progress; to sit again <i>To-morrow</i> , at Two of the clock.	
<b>Bishopric of Truro Bill [Bill 185]—</b>	
Bill considered in Committee [ <i>Progress 26th July</i> ] ..	2021
After short time spent therein, Bill reported; as amended, to be considered <i>To-morrow</i> , at Two of the clock.	
<b>Cattle Disease (Ireland) Bill [Bill 94]—</b>	
Further consideration, as amended, resumed:—Bill considered ..	2021
Amendments made:—Bill to be read the third time <i>To-morrow</i> , at Two of the clock.	
<b>Tralee Savings Bank Bill—Ordered (Mr. William Henry Smith, Sir Michael Hicks-Beach); presented, and read the first time [Bill 275] ..</b>	
	2022

# TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM.

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## LORDS.

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### SAT FIRST.

THURSDAY, JULY 13, 1876.

The Earl Howe, after the death of his Brother.

TUESDAY, JULY 25.

The Lord Hylton, after the death of his Father.

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## COMMONS.

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### NEW WRITS ISSUED.

THURSDAY, JUNE 22, 1876.

For *Birmingham*, v. George Dixon, esquire, Chiltern Hundreds.

THURSDAY, JUNE 29.

For *Worcester County* (Western Division), v. William Edward Dowdeswell, esquire, Chiltern Hundreds.

MONDAY, JULY 3.

For *Leitrim County*, v. Major William Richard Ormsby Gore, now Baron Harlech, called up to the House of Peers.

FRIDAY, JULY 7.

For *Chester County* (Mid Division), v. Egerton Leigh, esquire, deceased.

MONDAY, JULY 17.

For *Kent County* (Eastern Division), v. Sir Wyndham Knatchbull, baronet, Chiltern Hundreds.

TUESDAY, JULY 25.

For *New Shoreham*, v. Sir Percy Burrell, baronet, deceased.

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### NEW MEMBERS SWORN.

FRIDAY, JULY 7, 1876.

*Pembroke County*—James Bevan Bowen, esquire.

MONDAY, JULY 10.

*Worcester County* (Western Division)—Sir Edmund Anthony Harley Lechmere, baronet.

THURSDAY, JULY 13.

*Borough of Birmingham*—Joseph Chamberlain, esquire.

WEDNESDAY, JULY 19.

*Chester County* (Mid Division)—Piers Egerton Warburton, esquire.

FRIDAY, JULY 21.

*Leitrim County*—Francis O'Beirne, esquire.

If the noble Earl substituted "Board of Admiralty" for "Commissioners of Greenwich Hospital," there would be no objection to the last part of his Motion.

VISCOUNT PORTMAN said, that if the object of the noble Earl was to know the fact relative to the Duchy, and not to require a formal Return, he would give him the fact, and beg him to omit the Duchy of Cornwall from the Return. The noble Earl was verging on an inquiry into personal affairs—although he (Viscount Portman) must admit that the management of the Duchy was of public importance, inasmuch as good management averted requisition for public money, while a bad system, such as existed in former reigns, was a public evil. The fact, then, was that as to the advice given by the Council of the Duchy to the Prince of Wales as to contracting out of the Act; more than two-thirds of the Duchy estate was on lease, and therefore out of the Act. The remainder was held on agreement until the terms could be arranged for leases. The Council had advised to contract out of the Act where intermixed lands were in question, because in respect of these it was of great importance that they should be unfettered. Once under the control of the Act, no one could escape it; but while out of it any one might contract into it wholly or in part, at any time. It should not be forgotten that Parliament had so little confidence in the provisions of the Act that it directed all owners and occupiers to decide within a given time whether to accept or to decline to accept the scheme; and no one who was responsible to successors could fail to decline while the data for valuations under the Act were so imperfect that only now were experiments about to be made to enable honest valuers to form a calculation of the value of unexhausted manure. The Duke of Bedford, with the wonted liberality of his family, had placed land and money at the disposal of eminent men to try to form a basis for valuation; but he ventured to predict that the best we could hope for was a series of negative results. The House of Commons struck out of the Bill the only test of value which the noble Duke the President of the Council proposed—namely, the increased letting value of the farm. Parliament had put before them a scheme,

*The Duke of Richmond and Gordon*

and they must work it out patiently, always recollecting that science and practice were both required to guide them.

THE EARL OF CAMPERDOWN agreed with the noble Viscount, rather than with the noble Duke, as to what had been said about the Duchy of Cornwall. He would amend his Motion in the way proposed.

Motion amended, and *agreed to*.

Return showing whether the provisions of the Agricultural Holdings Act, 1875, have or have not been adopted upon the estates held by the Board of Admiralty: Ordered to be laid before the House.—(*The Earl of Camperdown*.)

#### LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (BATH, &C.)

BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Bath and Birmingham, the District of Brentford, the special Drainage District of Burgess Hill, the Rural Sanitary District of the Caistor Union, the District of Castleford, the Boroughs of Guildford, Hanley, Liverpool, Rochester, and Warwick, and the District of Worthing—Was *presented* by The Earl of Jersey; read 1<sup>st</sup>; and *referred* to the Examiners. (No. 126.)

#### LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (ARTIZANS AND LABOURERS DWELLINGS) BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Birmingham, Liverpool, Nottingham, and Swansea—Was *presented* by The Lord President; read 1<sup>st</sup>; and *referred* to the Examiners. (No. 127.)

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

#### HOUSE OF COMMONS,

*Monday, 19th June, 1876.*

MINUTES.]—SUPPLY—considered in Committee—ARMY PURCHASE ESTIMATE—*Resolution* [June 18] *reported*.

PUBLIC BILLS—*Resolutions in Committee—Ordered—First Reading*—Arklow Harbour Improvement \* [199]; Ardglass Harbour Improvement \* [200].

*Ordered—First Reading*—Dublin City \* [201]. *Second Reading*—Elementary Education [155]; Gas and Water Orders Confirmation (Chapen-le-Frith, &c.) \* [195]; Oyster and Mussel Fisheries Order Confirmation \* [196].

# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND  
APPOINTED TO MEET 5 MARCH, 1874, AND THENCE CONTINUED  
TILL 8 FEBRUARY, 1876, IN THE THIRTY-NINTH YEAR OF  
THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

## HOUSE OF LORDS,

*Monday, 19th June, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—  
Burghs (Scotland) Gas Supply \* (124); Pre-  
vention of Crimes Act Amendment \* (125);  
Local Government Board's Provisional Orders  
Confirmation (Bath, &c.) \* (126), and *referred*  
to the Examiners; Local Government Board's  
Provisional Orders Confirmation (Artizans  
and Labourers Dwellings) \* [127], and *referred*  
to the Examiners.

*Second Reading*—Burghs (Division into Wards)  
(Scotland) Amendment \* (116).

*Report*—Ecclesiastical Offices and Fees \* (123).

*Third Reading*—Tramways Orders Confirmation  
(Bristol, &c.) \* (60), and *passed*.

AGRICULTURAL HOLDINGS (ENGLAND)  
ACT (1875).

MOTION FOR A RETURN.

THE EARL OF CAMPERDOWN  
moved, That there be laid before  
the House—a Return showing whether  
the provisions of the Agricultural Hold-  
ings Act, 1875, have or have not been

adopted upon the estates held by the  
Duchy of Cornwall, the Charity Com-  
missioners, and the Commissioners of  
Greenwich Hospital.

THE DUKE OF RICHMOND AND  
GORDON said, he thought the noble  
Earl would see the propriety of amend-  
ing the Return moved for by omitting  
the reference to the estates of the Duchy  
of Cornwall. It seemed to him that  
they had no more right to require a  
Return with reference to those estates  
than they had with reference to the  
private estates of any Member of that  
House. Therefore, he hoped his noble  
Friend would strike out that portion of  
his Motion. With regard to the Charity  
Commissioners, he had to say that they  
did not hold land, and, consequently,  
the portion of the noble Earl's Motion  
which referred to them was inapplicable.  
As to the Commissioners of Greenwich  
Hospital, they were abolished by an  
Act passed in the 28th and 29th of the  
Queen—a fact of which he had supposed  
the noble Earl would have been aware.

placed upon the words "public ceremonies and manifestations," and therefore I cannot say whether or not the "position of persons dissenting from the established religion will be prejudicially affected." But it is evident that under the law a considerable discretion will be left in the hands of the Executive, and I can assure my hon. Friend that Her Majesty's Government will not fail to use their exertions, in case they should be necessary, in favour of the cause of personal freedom.

#### INDIAN TARIFF ACT, 1875 — THE DESPATCHES.—QUESTION.

MR. FAWCETT asked the Under Secretary of State for India, Whether he will have any objection to give, as an Unopposed Return, the Despatch in which Lord Northbrook replied to Lord Salisbury's Despatch of November 11th 1875 in reference to the Indian Tariff; and also the reply of Lord Salisbury to Lord Northbrook's Despatch, together with the opinions of any Members of the Council of the Secretary of State on that reply?

LORD GEORGE HAMILTON, in reply, said, the first Despatch referred to in the Question of the hon. Member had been distributed on Saturday morning. He should have no objection to lay on the Table the remaining Papers asked for.

#### THE IONIAN ISLANDS—TREATY OF 1864, ARTICLE 7—THE PUBLIC DEBT.—QUESTION.

MR. HANBURY asked the Under Secretary of State for Foreign Affairs, Whether the Government have received from Her Majesty's Minister at Athens any intelligence as to the manner in which the Greek Government are carrying out the stipulations contained in Article 7 of the Treaty of the 29th day of March 1864 for the fulfilment by that Government of all Contracts entered into by the Ionian Islands when under British jurisdiction, and more especially with regard to the Public Debt of those Islands; and, whether he will lay upon the Table of the House any Correspondence with the Greek Government upon the subject?

MR. BOURKE: Sir, a correspondence upon this subject has been going on for

some time with Her Majesty's Minister at Athens. Her Majesty's Government have now entered into communication with the other guaranteeing Powers with respect to it. There will be no objection to lay the correspondence before Parliament when it is concluded.

#### PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.—QUESTIONS.

MR. CHARLES LEWIS asked the First Lord of the Treasury, On what day he proposes to move the Sessional Order which stood upon the paper of business on the 13th instant, and was then dropped by the adjournment of the House?

MR. DISRAELI: I regret that the adjourned debate on the Sessional Order became a dropped Order, but my hon. Friend must feel that at this period of the Session, and in the present state of Public Business, it is extremely difficult to make an arrangement such as he intimates, but I will bear it in mind. Perhaps the House will permit me to state now what I consider the most convenient order of the Business for the present week. I propose if the Education debate is finished, and no doubt it will be finished to-night, to proceed with the Report of the Poor Law (England) Bill. On Tuesday morning I propose to take the Report on the Commons Bill, and then go on with the Irish Jurors Bill. On Thursday we will take, if the House permits us, the second reading of the Prisons Bill; on Friday morning the Irish Judicature Committee; and on Monday we will take the Navy Estimates. It was my hope, certainly it was my intention, that Monday might be devoted to Scotch Business; but through the interposition of the *perfidium ingenium* of Scotch Members we lost our chance of the Navy Estimates the other night, and therefore all I can say is that, proceeding with the Navy Estimates on Monday, I shall take the earliest opportunity practicable of devoting the public time to Scotch Business.

MR. GOSCHEN said, the University Bills were omitted from the measures mentioned. When were they to be taken?

MR. SERJEANT SIMON wished to know when the Appellate Jurisdiction Bill would be proceeded with?

*Mr. Bourke*

MR. DISRAELI: I confined my remarks, in the programme I laid before the House, to the Business of the coming week, and I will not venture to pursue the speculation further. As to the University Bills and the Appellate Jurisdiction Bill, they will, as soon as possible, occupy attention. Certainly they will not be neglected.

SIR WALTER BARTTELOT hoped the Prisons Bill would not be taken on Thursday. Next week the quarter sessions would be held, and he thought it would hardly be fair to proceed with the Bill before it received consideration throughout the country. He asked the right hon. Gentleman to name a later day.

MR. DISRAELI said, he would consider the point, and state to-morrow the course the Government would pursue.

#### ARMY—CAPTAIN ROBERTS, 94TH REGIMENT.—QUESTION.

MR. E. JENKINS asked the Secretary of State for War, in relation to Captain Roberts of the 94th Regiment, On what day Captain Roberts was placed under arrest; on what day he received warning of a court martial for the 27th instant; on what day he was asked, as stated by the Right honourable gentleman, whether he desired to have the court martial appointed for an earlier date than the 27th; and, whether any time or opportunity was afforded him of consultation with his legal or other advisers before answering that question?

MR. GATHORNE HARDY, in reply, said, it was on the 13th June that Captain Roberts received an intimation that the court martial on him would be held on the 27th, and at the same time he was asked if he would like an earlier date. He did not request any time in which to make a reply, but on the 15th instant he said he should not be ready before the 27th.

#### PERU—CASE OF THE "TALISMAN." QUESTION.

MR. GORST asked the Under Secretary of State for Foreign Affairs, Whether any further steps have been taken by Her Majesty's Government in reference to the case of the "Talisman?"

MR. BOURKE: This case, Sir, has not ceased to occupy the careful and

anxious attention of Her Majesty's Government. I mentioned the other day to the House that after the sentence of banishment had been passed upon the captain and mate the captain had appealed against this sentence; that the mate was content to abide by the sentence; that Her Majesty's Minister at Lima was exerting himself to get the mate's case separated from the captain's, in order that the mate should not be prejudiced by the conduct of the captain. Since that we have been informed that the law of Peru will not allow the cases of the two prisoners to be separated, and the mate has been kept in prison as well as the captain. We have been further informed that all sentences of Courts of First Instance must be confirmed by a superior Court. Now, the superior Court has affirmed the sentence in this case; but besides the appeal of Haddock, the captain, an appeal has been made to the Supreme Court by the Attorney General of Peru, who is dissatisfied with the decision. On the 10th of last month the Secretary of State had an interview with Senor Galvez at the Foreign Office. My noble Friend then drew the Minister's attention to the painful sensation which had been caused in this country by the case of the *Talisman*. On the 7th of June, upon the receipt of further despatches from Mr. St. John, my noble Friend addressed a letter to Senor Galvez recapitulating what had occurred. The despatch of my noble Friend concludes thus—

"In these circumstances, Monsieur le Ministre, it becomes my duty to remonstrate in the strongest manner, as I now do, in the name of Her Majesty's Government, against the continued detention of King, who has signified his acquiescence in the sentence passed upon him; against the unreasonable protraction of the proceedings in the case, and against the unfriendly conduct of the Peruvian Government in the matter. I have the honour to request that you will be so good as to forward this remonstrance to your Government, and that you will recommend it to their very serious consideration. Her Majesty's Government have every wish to maintain friendly relations with the Government of Peru; but unless the case of these prisoners is brought to a speedy issue it will be impossible that those relations should continue."

To that despatch Senor Galvez, on the 13th of this month, sent a reply which goes over the old ground again, but adds nothing new in information, concluding thus—



"For these reasons, I doubt not for a moment that my Government will hasten to manifest its constant purpose to maintain friendly relations with your Excellency's Government, as there is neither motive nor feeling for an alteration of them. And I even hope that when all the circumstances connected with the case of the *Talisman* are finally considered it will be seen that the Peruvian Government, far from having acted with any want of friendliness towards Her Majesty's Government, has done all that was in its power to fulfil the obligations of friendship as well as of consideration which the British Government is entitled to."

In these circumstances it appears to Her Majesty's Government that the continued detention of King, the mate, cannot be justified, and that it is their duty to request the Peruvian Government to give immediate orders for his release.

#### EGYPTIAN FINANCE—MR. CAVE'S REPORT.—QUESTION.

MR. W. E. FORSTER asked, When the Report would be laid on the Table? The Question was asked some time ago, and the Report was then promised, but nothing had since been heard of it.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that when he made the statement referred to by the right hon. Gentleman, he was in hopes that the Papers would have been ready shortly after the Whitsun Recess. It appeared, however, that the translation of some of the Papers had required time. The right hon. Gentleman could understand that, under present circumstances, the Foreign Office was very much overworked, and that the Printers also were very much pressed, and this would account for the delay. He was every day expecting the Report; but his hon. Friend the Under Secretary would be better able to say when the Papers were likely to be ready than he was.

#### PARLIAMENT—ORDER—BALLOTING FOR MOTIONS.—OBSERVATIONS.

MR. ANDERSON said, he wished to call the attention of the Speaker to what he considered an irregularity on the part of two hon. Members in the proceedings on Friday, and in order to give hon. Members an opportunity of explaining their action, he would conclude with a Motion if necessary. Early in the Session it would be remembered that the Speaker's attention was called to the fact that Irish Members had succeeded,

by a peculiar expedient, in appropriating most of the Wednesdays—namely, by putting down the names of several Members for each Bill they wanted to introduce. The Speaker declared that was an irregularity which, if persisted in, would make it necessary for the House to pass a Resolution on the subject, to the effect that no Member should be allowed to ballot without first putting his Notice of Motion on the Paper. He (Mr. Anderson) supposed that that rule applied equally to balloting for places on Tuesdays and Fridays. The hon. Member for Canterbury (Mr. Butler-Johnstone) and the hon. Member for West Cumberland (Mr. Percy Wyndham) were the two Members to whose conduct he wished to call attention. The hon. Member for Canterbury had had a Motion on the Paper for a long time on the subject of the Treaty of Paris; lately he balloted, and got the fourth place on the list for the 7th of July, so that his Motion had very little chance of coming on. Wishing to improve his position, he put his name on the ballot Paper on Friday, and balloted again. He was not successful, but the hon. Member for West Cumberland, who previously had no Notice whatever on the Papers of the House, was successful, and as a consequence the Resolution which formerly stood in the name of the former Gentleman for the 7th July now stood in the name of the latter for the 4th. He did not wish to allege that anything absolutely unfair had been done, for certainly each Member had a right to put his name on the balloting paper, but by exercising their right in this peculiar manner clearly these hon. Members had two chances of success, while other Members had only one, and therefore he wished to ask if this was regular; and, if it was not, whether the hon. Member for West Cumberland ought to be asked to resign the place he had gained by that expedient?

MR. PERCY WYNDHAM submitted, with all deference to the Speaker, that there had been in the case in question no violation either of the Rules or the Forms of the House. The facts of it were that nine or ten Members of the House—he hoped a greater number—took an interest in the Declaration of Paris, and wished to bring the subject on for discussion. It was to them, he

*Mr. Bourke*

might add, a matter of perfect indifference who brought it forward so long as it was brought on, although the hon. Member for Glasgow (Mr. Anderson) seemed to have some confused sort of notion that he (Mr. Percy Wyndham) had inherited some advantage which properly belonged to his hon. Friend the Member for Canterbury. Such, however, was not the case; the only thing for which he was indebted to his hon. Friend being the drafting of the terms of the Resolution that was placed upon the Paper, the Motion itself being original.

MR. BUTLER-JOHNSTONE said, the fact was, that there was such a competition with respect to submitting to the House the question of the Declaration of Paris, that as soon as he had put down his name with that view five or six hon. Members came to him and said that they were anxious to bring it forward. His reply was, that he had been balloting unsuccessfully for some time, and that if they were willing to put down their names and come off better than he did, he should be only too glad. It was not right, he thought, that hon. Members should put down their names for a particular Motion, and then shift the onus of bringing it on on to somebody else's shoulders. But when, as in the present instance, several hon. Members were perfectly ready to get up a question, he could not see how the spirit of any of the Rules or Regulations of the House had been violated by what had been done. The hon. Gentleman the Member for Glasgow, he might add, seemed to know so little about the subject that he talked of the Treaty, instead of the Declaration of Paris. It was not at all that the Motion related to, but to the Declaration of Paris.

MR. RITCHIE thought that if the spirit of the Regulations of the House had been violated in the case of the Irish Members, to which the hon. Member for Glasgow (Mr. Anderson) had alluded, it had also been broken in the present instance, and he contended that it would be highly detrimental to the due progress of Public Business if all those hon. Members who held similar views on any particular subject were to put down their names for the purpose of securing a better place for it on the list. When he raised the question in the early

part of the Session, he did not make any special reference to the Irish Members, he simply desired to prevent the practice of which the hon. Member complained.

MR. NEWDEGATE, as one who had been a victim of the pre-occupation of the Order Book, wished to offer a few remarks on the matter under discussion—

MR. SPEAKER: I wish to point out that there is no Motion before the House. The hon. Member for Glasgow (Mr. Anderson) has addressed to me a question on a point of Order. The point is one which was brought under my notice at an early period of the Session, and I then stated my opinion upon it. It appeared to me then, as it appears to me now, that if two or more Members of the House, holding the same opinions on some specific Motion, combined together to ballot for precedence, with the view of giving undue precedence to that Motion, such a practice is an evasion of the Rules of the House. I think it right also to observe, as was stated by the hon. Gentleman who spoke last (Mr. Ritchie), that when this proceeding was brought under my notice at the early part of this Session no special reference was made to the conduct of hon. Members from Ireland, but the question was raised with respect to Members of the House generally. I then expressed a hope that, notice having been taken of the irregularity of the practice, it would be sufficient to prevent a repetition of it; but I regret to find from what has been stated that the practice has again been made use of.

MR. NEWDEGATE, who rose amid cries of "Order," said he thought the subject ought to be considered by a Committee of the House, for while such a thing might be done inadvertently, he believed that it had also been done designedly, and that he and other hon. Members had in consequence suffered. The remedy, in his opinion, was to require hon. Members when putting down their names to state the subject of their Notice. He would conclude by moving the Adjournment of the House.

MR. MITCHELL HENRY, in seconding the Motion, admitted that the practice to which reference had been made had undoubtedly originated with Irish Members, but contended that they had been driven to have recourse to it

as a matter of self-defence. He was sure that there was no hon. Gentleman in the House who would not be unwilling to do anything against the spirit of the Rules; but the remedy proposed by the hon. Gentleman opposite (Mr. Newdegate) would not meet the difficulties of the case, for nothing would be easier than to alter slightly the terms of any Motion which was about to be brought forward, and, unless greater facilities were given to private Members, expedients such as that under discussion must be resorted to, or the business of that part of the United Kingdom which he and those around him represented must come to a standstill. If it had not been for the course they had taken, subjects which were of vital importance to Irishmen would not have been brought under the notice of the House, as the systematic policy of the Government appeared to be to put off Irish business till as late an hour of the morning as possible. He, for one, was glad to find that there were some 59 Irish Members greatly interested in that business, who, instead of trying to deal with it as in former Sessions at 2 o'clock in the morning, had at last hit upon a mode of bringing it forward at a reasonable time, and he was not surprised that other hon. Members had taken a leaf out of their book.

Motion made, and Question proposed, "That this House do now adjourn."—(Mr. Newdegate.)

MR. ANDERSON said, the second part of his question—whether the Motion ought not to be withdrawn from the position it now occupied—had not been answered.

Motion, by leave, *withdrawn*.

#### ELEMENTARY EDUCATION BILL.

[BILL 155.]

(Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Secretary Cross.)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [15th June], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words

*Mr. Mitchell Henry*

"in the opinion of this House, it is desirable that the recommendations contained in the recent Report of the Factory and Workshops Acts Commission, relating to the enforcement of the attendance of children at school, should be introduced in any measure for improving the elementary education of the people,"—(Mr. Mundella.)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. KAY - SHUTTLEWORTH : The first feeling of Members who supported my right hon. Friend the Member for Bradford (Mr. Forster) six years ago in passing the Education Act must be one of strong satisfaction at the advance in public opinion, and in the readiness of the country for general education, which the introduction of the present Bill and the manner in which it has been received by the House indicate. A new principle tentatively proposed in 1870 can now be more or less boldly carried forward; and the debate shows that the House with few exceptions does not shrink from the plain and simple duty of filling our schools and making national education a reality. The differences between us are only as to the precise mode in which that should be done; how, having schools, we can get the children to attend them; how, having teachers, we can provide them with scholars; how, having a law of education, we can enforce it. In 1870 our first anxiety was not with respect to the question of attendance. It had reference to the provision of adequate school accommodation, sufficient teachers, and an efficient quality of instruction. In the year 1870 school accommodation existed for only 1,878,584 children, whereas in 1875 there was accommodation for 3,146,424 children. The number of teachers was 12,467 in 1870, and 20,940 in 1875. In the same period the number of assistant teachers had increased from 1,262 to 2,713; and the number of pupil teachers from 14,304 to 29,667. With respect to the efficient quality of the education I rejoice to think that it has been improved by recent changes in the Code of the Education Department; but with regard to the standard attained by the children I fear I can say very little. Our main anxiety now is to secure the attendance of

children who do not attend school, the regular attendance of those children who attend irregularly, and the attendance throughout the school age of those who now only attend one, two, three, or four years. Since the year 1870 no less a sum than £1,606,298 has been expended on new voluntary schools and enlargements. Moreover, in August, 1875, there were 1,136 board schools; £1,500,000 has been spent by the London School Board on such buildings, while £2,750,000 has been so spent by school boards generally. Some of these board schools, including those in London, may no doubt be filled by the action of the compulsory bye-laws under the powers of the Act of 1870; but the other schools throughout the country remain very thinly attended. The average attendance in 1870 was very low, only 1,152,389; being out of all proportion to the accommodation, which was for 1,878,584 children. The school accommodation has increased 67 per cent; the teaching staff 90 per cent and more; but the increase in the average attendance has been less than 60 per cent. These figures show that partial compulsion in less than half the country is not enough. The average daily number of empty seats in 1870 was 726,195, and in 1875 it was 1,309,244. Although there has been an increase of 67 per cent in the school accommodation, the number of empty seats has nearly doubled. The question we have to solve is, how are we to fill these empty seats? How are we to supply the teachers with scholars, and to secure that the money which has been thus spent on school-building shall not be wasted but that it shall be really reproductive? The figures I have given clearly show, I think, that a Bill was necessary; and hence the Bill of the noble Lord the Vice President of the Council on Education. The Motion of my hon. Friend the Member for Sheffield (Mr. Mundella) seems to me to do good service by placing in contrast with this Bill the proposals of the Royal Commission which was appointed by Her Majesty to inquire into the working of the Factory and Workshops Acts, the extension of any of their provisions to other trades, industries, and occupations, and the question of further provisions for improving the education of children. In considering these proposals I shall ask the House to inquire for a

moment what are the conditions which a Bill on this subject ought to fulfil. I say that, in the first place, it should be simple and clear, so that all the parents in the country may know what the law is. It should be equal in its operation in different districts, and equal also in the manner in which it weighs on children employed in different trades. Again, it should not give a freedom to the idle that is denied to workers, nor should it impose on one trade an obligation from which another trade is capriciously left free. It should be just to the employer, just to the parent, and, above all, it should be effective for its main purpose—the lasting benefit of all our children. There is also another principle which a Bill on this subject should now fulfil. While not centralizing administration, Parliament should, I think, boldly and completely take upon itself the whole work of legislation, and should not delegate it in any manner to local authorities. I will now ask the House to let me analyze the Bill—pointing out what it does and what it does not do. First of all it prohibits the employment of children under the age of 10; and it likewise prohibits the employment of all children over 10 who have not obtained a certain educational certificate. It repeals the Agricultural Children Act, which—in a manner however imperfect—provided that children employed between the ages of 11 and 13 should attend school 300 times between the ages of 10 and 12. What measures, then, does this Bill take to secure attendance, and thus to insure a less wretched standard of attainments, to save expenditure on schools from waste, and to fill the 1,300,000 empty seats in our schools? It takes no simple direct measure for this purpose. Let me here remind the House what we did in the Scotch Act but three years ago. It was enacted that—

“It shall be the duty of every parent to provide elementary education in reading, writing, and arithmetic for his children between 5 and 13,” and that, “it shall be the duty of every school board to appoint an officer to ascertain and report what parents have failed to perform the duty.”

The hon. Member for Manchester (Mr. Birley) says that parental responsibility is secured by this measure. Yes; but where? There is “parental responsibility” in the Preamble, but you will not find it in any of the clauses. There

is nothing in the clauses declaring that it is the duty of a parent to send his children to school. I hope, therefore, that in Committee the House will adopt the Amendment of my right hon. Friend the Member for Bradford (Mr. Forster). I was glad to hear my hon. Friend the Member for Manchester say he was prepared to accept that Amendment; and I hope that when he said that he expressed the views of many Gentlemen opposite, who, I am willing to say, are quite as earnest as Members on this side in their desire to secure the attendance of children at school. What are the wants of the parents on this subject? I think a parent wants the same advantages for his child as for a Scotch child. Moreover, he requires that the law in the next parish should be the same as in his own parish. He does not want the law to press more hardly on the trade in which his child is employed than it presses on the trades in which his neighbour's children are employed. He wants as strict a law for the idle as for the working children. I think the parent may fairly say to us also—"Do not tell me in 1881 when my five year old child becomes 10 that he must not work because he has no certificate, unless meanwhile you plainly say to me, 'you must send him to school.'" I believe that all these demands of the parent ought to be carefully considered in legislating on this subject. I will separate the children into two sets—the children who are prevented by the Bill from working and the children who are at work. What does the Bill do to secure that either set shall attend school? I might almost say it does nothing at all. Work is prohibited at the age of 10, unless a child has obtained a certificate. Now what is there in the Bill to insure that the child shall obtain a certificate or that the child shall not consequently be kept idle till 14, neither at work nor at school? The 7th and 8th clauses of the Bill apply only to children whom the noble Lord called "wastrels"—a word with which Members from the North of England are perfectly familiar. I do not propose to include these clauses in my analysis, as they only apply to cases of vagrancy or crime, or of continuous and habitual, as well as inexcusable neglect on the part of parents. I look upon the case of the "wastrel" children as an entirely exceptional case, and the mode of dealing

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with these children proposed by the noble Lord—where there has been continuous, habitual, and inexcusable neglect by parents—shows that he himself views their case as exceptional. So far, then, we have nothing but these permissive bye-laws. Indeed, I think this Bill in its permissiveness outdoes the efforts of the hon. Member for Carlisle (Sir Wilfrid Lawson). It is more permissive than the Permissive Bill. The hon. Member for North Northumberland (Mr. M. W. Ridley) says that where there are rural school boards those school boards do not pass bye-laws. Well, this may be true in many cases; but surely that is the strongest argument which the hon. Member could have adduced against permissive bye-laws, and in favour of our doing in this House what we are proposing to delegate to local authorities. It is the strongest argument against our leaving any option to local authorities. The Bill, therefore, only provides for direct compulsion by bye-laws, that is, for bye-laws in places where school boards choose to adopt them, in places where Town Councils choose to pass them, and in places where Boards of Guardians are requested by a meeting of the ratepayers of a parish to pass them for that parish. I am not surprised that hon. Members opposite admit that there is little or no direct compulsion in this Bill. During this debate attention has not been directed to sub-section 2 of Clause 20. It appears from this sub-section not only that Boards of Guardians are not to adopt compulsory bye-laws unless the ratepayers ask them to do so, but the Guardians are to adopt such sort of bye-laws as the ratepayers like to ask them to adopt. Ratepayers may say what kind of bye-laws they desire, and Boards of Guardians are to have regard to such wish. For example, the ratepayers may wish that the bye-laws should not touch children engaged in labour, or engaged in some particular kind of labour, or should not affect children above the age of 10; or they may wish that children should be allowed to be employed at home at any age, or that children who have passed a very low standard should be exempt from the operation of the bye-laws. In the same Union, therefore, there may be districts with effective bye-laws, other districts with half-

hearted and ineffective bye-laws, and districts with no bye-laws at all. You may have visitors in one parish and no visitors in the next parish. Children engaged in a particular trade in one parish may escape all compulsion whatever, while in the next parish this trade may be under the influence of strict bye-laws. You will have stringent bye-laws here, no bye-laws there, and weak and useless bye-laws elsewhere. I do not think that any one fairly considering this subject can deny the injustice to children under 10 years of age which such a diversity in law would produce in different districts of the country, more especially in districts of the same county and even of the same Union. Take the case of a child who is uneducated in a parish where the ratepayers ask for no bye-laws, and who at the age of 10 goes to a town, as is often the case. I happen to live in a manufacturing district, in which, however, there are large tracts of country given over to agriculture. In one parish there may be no manufactures at all, while other parishes teem with factories. In this district there is one school board, and plenty of parishes that would be under the Board of Guardians. Take the case of a child uneducated in one of these rural parishes who, at the age of 10, is taken by his parents to Burnley to be employed in a factory. Having no certificate, that child will not be allowed to be employed; and, fortunately, in Burnley he will come under bye-laws which will oblige the parent to send the child to school. But suppose that, instead of going to Burnley, he goes to one of the little towns, of which there are plenty in the district, which are not in a school board district, and in which there are no bye-laws. At the age of 10 this child will neither be allowed to work, because of the general law, nor will he be sent to school, because of the absence of bye-laws. Such a state of things will involve the grossest injustice not only to the child, but to the parent. It will be unjust also to the employer; and being unjust to employers, it will be injurious to the country. I think I have pointed out strongly the effect of the permissive nature of the bye-laws as regards children under 10. Passing now to another point, I feel that we cannot dwell too often on the injustice to parents of saying to them, when a child is 10

years old—"Your child shall not work; he has no certificate," if you have not before said—"Your child shall go to school, so that he may obtain his labour pass." This system of endeavouring to secure education before work by requiring certificates at a certain age as a condition of work, has been tried and found wanting. There was such a provision in the Coal Mines Act. The evidence laid before the House showed that the Act failed to secure the education of the boys engaged in coal mines, and one main reason why it was a failure was because of this illusory requirement. The same attempt was made unsuccessfully in the Agricultural Children Act. The system is condemned by Mr. Tuffnell, who was one of the Commissioners appointed to inquire in 1869 into the subject of the employment of women and children in agriculture. I will read the condemnation of this system of certificates by the Royal Commissioners on the Factory and Workshops Acts. They say, speaking of the system as developed in the Agricultural Children Act—

"There is the inherent defect in its principle, if it stands alone, that it presumes a degree of forethought in a parent which is not to be expected from the parents of working children. A parent must foresee, 12 months beforehand, that his child will require the certificate of attendance, must keep it in view throughout the year, must count the number of times he plays truant, in order to be sure that the minimum of attendances required by law shall be made up, and must have faith that the watchfulness of Government will be sufficiently all-pervading to prevent him from finally escaping its requirements.

I beg the House to attend to these concluding words of the Commissioners—

"Without affirming that such a provision will always be impossible to enforce, we think it may be laid down that, by itself, it will combine the minimum of efficiency with a great deal of hardship."

Now, the Bill goes farther than the Act which was thus so strongly condemned by Royal Commissioners. That Act required 12 months of foresight on the part of parents. This Bill presumes at least five years of forethought on the part either of parents or of ratepayers. Now, having the Reports of Royal Commissions, and abundant evidence in the Library, and representing in this matter the whole country, why should not Parliament exercise this forethought? Sir, there is one question which has not yet been asked during this debate, and which

I wish to put to the Government. I hope we shall have some reply to the question—Who is to grant these certificates? The Bill says that the Education Department is from time to time to make regulations for the purpose. But I am not satisfied with this provision, and think the House should have some further information. We have strong evidence—and, if it were necessary, I could cite the opinion of Mr. Kennedy, Her Majesty's senior Inspector of Schools—to show that it would be very objectionable if schoolmasters were allowed to grant these certificates; that it would expose them to strong temptations and leave a loophole for all sorts of abuses. I cannot, then, believe that the power to grant certificates will be entrusted to schoolmasters. By whom, then, will it be exercised? It is very desirable that we should receive an answer to this question before the second reading of the Bill. The Bill leaves the law as to children whom it will prevent from working in a state which is unjust to children, unjust to parents, unjust also to employers, ineffective for purposes of general education, unequal, and illogical. I come now to the question—What means does the Bill take or contemplate to secure schooling for those children above 10 and under 14 whom the law allows to work? The agencies upon which the Bill relies for this purpose are scarcely greater, and in one respect are less than those now existing. In one respect they will be less—namely, by the repeal of the Agricultural Children Act. The Bill relies entirely upon the Factory Acts, permissive bye-laws, and Clauses 7 and 8. I will take these in the reverse order. (1) Clauses 7 and 8 may be left entirely out of consideration, for their application is limited to vagrants and criminals, or to cases of continuous and habitual and inexcusable neglect on the part of parents. (2) All that I have said respecting bye-laws applicable to children who are prevented by the Bill from working, applies equally to these bye-laws as regards children during work. But there is another objection to this system of permissive bye-laws, and that is the objection to our delegating legislative as distinguished from administrative functions to local authorities. I hold that objection in a very strong degree; but it has also been held by authorities who, I think, will be

respected by Her Majesty's Government. I am glad to see the right hon. Gentleman the Secretary for War (Mr. Gathorne Hardy) in his place, for, if the House will allow me to do so, I wish to make a quotation to which I am sure the House will listen with pleasure—as it does to everything said by the right hon. Gentleman—from a speech made by him in Committee upon the Education Bill of 1870—

“Was their experience of permissive legislation so favourable that they thought it due to the credit of the House to delegate their functions to others upon a point so important, and to call upon school boards to enact something which they were not prepared to enact themselves—not to pass bye-laws to carry out in detail that which the Legislature had indicated, but to perform the work of legislation itself? Was that a power to place in the hands of school boards? What would happen? If it were true that the great mass of intelligent working men, who would have votes, were in favour of compulsion, then, where they were in the majority, school boards would be elected to put in force the compulsory powers of the Bill; but, on the other hand, in places where compulsion was most needed, and where there was less enlightenment among the working classes, the school boards would be elected upon a solemn pledge not to exercise their compulsory powers. He held that it was not becoming the dignity of the Legislature to delegate its authority upon a question of such importance. If the Committee meant to have direct compulsion, let them enact it . . .” [3 *Hansard*, ccii. 1749.]

I leave the right hon. Gentleman to answer himself; I think he will find it exceedingly difficult, because those statements are so logical, that I do not believe any Member in this House could answer them. The right hon. Gentleman will say, no doubt, that we had permissive provisions in the Bill of 1870. But that Act was an experiment, and the country at that time was not prepared for compulsory attendance at schools. But now we are in 1876, and can it be said that we are not prepared to attempt it? Well, then, if we are prepared, let us introduce compulsory attendance into our law, and not leave it to the local authorities, who will have plenty of things to bicker about, plenty of things to contend about, without this fruitful source of contention. The Bill continues to rely mainly on the Labour Acts to secure the attendance of working children at school. But the present working of the Factory and Workshops Acts with their various and conflicting regulations for different kinds of labour is highly unsatisfactory. I will not use my own language in condemnation of it,

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but I will quote the language of a high authority, and when I finish the quotation I will state whose language it is—

"Did those Acts give sufficient security that the children of this country went to school? . . . They gave the impression of general confusion, general inconvenience, and very inadequate results. . . . Again, between the different kinds of labour—that of textile factories, of workshops, and of mines—they had constant conflict and confusion, the employers frequently complaining of the injury inflicted on their various industries by the inequalities as to age and other matters; while for the parents nothing could be more vexatious than to find that on a change of their abode they were brought under different rules. Why should a parent in choosing a particular industry for the employment of his child be hampered by having to calculate how far his choice would be affected by these conflicting rules? What they wanted in these matters was simplicity and uniformity of arrangement."

These most important words were the words of a Member of the Government, the words of the noble Lord the Vice President of the Council in introducing the Bill. I want to ask the noble Lord where in this Bill are the provisions to remedy the confusion of which he complains? I want to know what has been done in this Bill to remedy the defective state of the Factory Acts? Then there is another point which ought to be cleared up in this Bill, and that is whether the bye-laws of the school board, if more stringent than the rules of the Factory Acts or of the Workshops Act with respect to the labour and employment of children, are to override them or not? There appears to be a complete conflict of opinion on this subject. Mr. Cumin, Assistant Secretary of the Education Department, in his evidence before the Commission, and Mr. North Buxton, of the London School Board, maintain that the school boards' bye-laws do override the Factory Acts. The contrary is maintained by Mr. Chamberlain, Mayor of Birmingham. Why is this point not made quite clear by the Bill? I may illustrate the state of the Labour Acts by reference to the well-known and now notorious Workshops Act of 1867, which is either a dead letter, or only means 10 hours' schooling a week—that is, two hours a-day for five days. Mr. Kennedy, the senior Inspector, speaks unfavourably of the educational requirements of the Act, and of the insufficiency of the enforcing body. He says the Workshops Act was a nullity when first begun, being left to the local authorities

to carry out, that the enforcing authority is still very insufficient, and that there is no hope of efficient education for children under this Act. Mr. Redgrave, the Factory Inspector, speaking of the Workshops Act, says—

"There are very few places, indeed, where the children attend school for half-time;" and he adds, "It is painful to us to be obliged to administer the Act, because we have to be very strict and to require attendance at school when we know that it is next to valueless. It is the constant habit of parents, under the Workshops Act, the school hours being say from 9 to 12, to send their children in from 10 to 12, or from 9 to 11. The whole object is to get some certificate."

And so on. I will not weary the House by reading the whole of the evidence; I will merely say it is a complete condemnation of the Workshops Act. And so also under the Mines Act 20 hours' schooling a fortnight is all that is required. Moreover, the Factory Inspectors have over and over again pointed out that they are not the right persons to look into the efficiency of schools. In my opinion, an opinion supported by the Report of the Factory and Workshops Commission, attendance under the Factory Acts should be at schools recognized as efficient by the Education Department. That principle was recognized in the Factory Act of the Home Secretary passed two years ago, and why the same provision should not be applied to other industries I cannot imagine. On this point I will quote a few words from the evidence of Mr. Cumin—

"1631. One inconvenience which has arisen is that most inconvenient of all things—a conflict between the Factory Inspector and our Inspector. The Factory Inspector sometimes insists that a school is efficient, and we say it is not. Then we order a school board on the ground of deficiency, and after the school board is up the children continue to go to what we call an inefficient school, but what the Inspector of Factories calls an efficient school. Then the rate-payers are compelled to build a school, and they say—'It is very hard we are made to build a school because you say the school is inefficient, and the Factory Inspector says it is efficient, so that our new school is of no use.' In this case there is a direct and mischievous conflict."

"1634. You would extend the provisions of last year's Act to the case of all factories?—Yes; when we ask about it we are told that nothing but the grossest inefficiency can authorize a Factory Inspector to declare a school inefficient."

I need not point out how improper and unfair it is to the parents to compel the child to go to school if you do not take security that the school is effi-



cient. Four arguments are given by the Royal Commissioners against proceeding by the way of indirect compulsion, and in support of the view that direct compulsion is necessary:—First, that stricter provisions will lead to more frequent evasion; secondly, that the obligation of school attendance should not be a tax on the energies of working children only, and on those working children only whose occupation has for other reasons been selected for regulation as to hours of work; thirdly, that it is an anomaly that a child thrown out of work is released from obligation to go to school at the very time when school attendance could be exacted with the least hardship. And their fourth argument is that children too young to work are not touched by indirect compulsion, though in this case compulsory attendance is most required, can be most easily enforced, and would cause the smallest loss to parents. The principles the Commissioners lay down are strengthened by a consideration to which I hope the House will give its attention, that half-time schooling should be regarded as a privilege for the working child, and not as a special burden. The Royal Commission point out the disadvantage, amounting to a confusion of thought and an error of principle, of leaving the administration of a half-time system of school attendance to the Factory Acts, instead of making it part of our Education Acts. The law with respect to parents and employers should be in complete harmony; and half-time schooling—in place of full-time—should be conceded under the Education Acts to those parents whose children are beneficially at work, and should be enforced by Factory Acts on the employer. But at present, under the Factory Acts, the child is subject to the exceptional obligation, as an operative or labouring person, of having to attend school half-time as a condition of being allowed to work. On that subject I will only refer hon. Members to the very strong arguments most forcibly put, but which are too long to read to the House, which will be found in Paragraph 146 of the Report of the Commission. And now I come back to Clause 4, and the two good steps which the Bill proposes to take. The Bill has two good points, but I fear that they are only good at first sight, being weak, and even ob-

jectionable, standing alone. The first is no employment before 10, the second no employment without educational certificate between 10 and 14. As to the first point, is there any hope that a Board of Guardians will enforce non-employment of children under 10 years of age in a parish which does not ask for, and which has not, bye-laws? I do not think they will have the courage to enforce it, when they have no law for compelling attendance at school. As to the second point, the non-employment of children after they are 10 without an educational certificate, I think it would be much better if there were any prospect that, when 1881 comes, and also when the earlier times provided for in 1878, 1879, and 1880 arrive, with their temporary modifications, it will be possible to enforce this provision. I fear it cannot be done, because you do not take sufficient security that the children will go to school in the meantime. I desire now briefly to summarize what the Bill does not do. I leave the case of the "wastrels" out of account. First, the Bill takes no direct means to enforce attendance except where school boards and Town Councils pass bye-laws, or where the ratepayers by requisition cause Boards of Guardians to frame bye-laws. Secondly, the Bill does not assert or declare parental duty, and thus enact as a law that children shall attend school, as is done in the Scotch Act. Thirdly, it does not make any provision whatever—other than permissive bye-laws—for education, either before 10, except the requirement of the certificate as a condition of employment after 10; or after 10, except the present half-time regulations of the numerous and conflicting Factory Acts and of the very defective Workshops Act. Fourthly, it neither touches, nor extends, nor improves, the existing half-time legislation, nor does it base it on educational principles as recommended by the Royal Commissioners. Still leaving the "wastrels" out of the question, in the fifth place, under the Bill, in districts where there are no bye-laws, there will be no compulsory education before 10; only the certificate required at 10; no compulsory education after 10, or during work, except under the Half-time Acts; and no one but an authority that passes no bye-laws to enforce Clause 4. Sixthly, in districts where there will be rural rate-

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payers' bye-laws, the bye-laws will be weak in themselves, and, what is more, will be weakly administered. I am unwilling to apply hard words to the measure, but if the Bill passes in its present form it will be an Act to prohibit labour and to permit education. It will be a compulsory Bill which does not compel; and I am afraid it will be an Education Act which will not educate. Parents, employers, and children may well say—"Do not prohibit labour, unless you compel education: do not compel here, unless you compel there." I may be asked this question, whether I think the Bill can be made a good and useful measure in Committee, and whether, therefore, I can support the Bill at all. I am glad to be able to answer these questions in the affirmative. We must, however, criticise its provisions: we must advocate such additions as will complete it: we must endeavour to graft upon it the recommendations of the Royal Commission. If the Government proposals are, as we are told, such as the country will approve, then the logical corollaries of those proposals are also such as the country will approve. I will mention briefly to the House what the recommendations of the Royal Commission are, as the hon. Member for Berkshire (Mr. Walter), seemed not to know them the other night. They are these: The school attendance of all children, whether they are at work or not, should be enforced by law, subject to the three exceptions in Section 74 of the Education Act of 1870; the regular school age should be from 5 to 13; the rule of attendance should be full time, or five hours daily and 25 hours weekly; it should be conceded as a privilege that the attendance should be only half-time in cases of children beneficially and necessarily employed. The attendance should be at a school recognized as efficient by the Education Department; no child under 10 should be allowed to begin attending half-time, and no child under 10 should be employed in regulated labour; there should be an alternate day system in certain trades, on account of distance or dirty occupation; and the attendance of children employed in agriculture should be during part of the year not less than six months. I might quote to the House the opinions of the Assistant Commissioners under the Commission

that inquired seven years ago into the condition of women and children employed in agriculture to show that you can reasonably require some sort of half-time attendance from children employed in agriculture. Here are great authorities on the agricultural districts who, as early as 1869 said that you could exact a certain amount of school attendance there. Mr. Henley recommended 150 attendances in the winter months. An hon. Member, whom we are all sorry not to see here, the Secretary to the Board of Trade (Mr. E. Stanhope), then an Assistant Commissioner, says you could require 100 days of schooling in each year up to 12 or 13—that is 200 attendances; and that this would deprive the families of very little money, and hardly interfere with the days required for the farm. Then I might refer to the experience of Mr. Paget, who for a long time carried out the half-time system in agricultural work. The hon. Member for North Northumberland (Mr. Ridley) spoke as if nothing of this kind was required in this country. Let me quote from Mr. Tufnell, the Agricultural Commissioner, who says that if all other places in England were like Northumberland, the Commission would have been useless. Therefore we must not take the opinion of the hon. Member for North Northumberland on this matter of the state of the agricultural districts generally, because if all the rest of England were like his county, there might be little or no necessity for compulsion. There is a point which I would here suggest—namely, that where local boards exist would it not be better to make them the local authority rather than the Board of Guardians? In my own neighbouring town there is a local board, and the ratepayers would regard them as more fitting persons to carry out this law than the Board of Guardians sitting in another town some distance off. I merely throw out that for consideration. Then the proposal to enable local authorities to delegate to committees of unknown persons the powers of compulsion and of spending rates is very objectionable. I cannot see how you could delegate to a committee under this Bill, which might not be composed of Guardians at all, the powers of applying compulsion and of spending the rates. It may be possible, perhaps, to make some arrangement by which the

majority of the committee or its quorum should always consist of Guardians. Let me also call attention to the requirement of 250 attendances at school in each year. This seems to be regarded by the Government in this Bill as a full-time attendance at school, and they have taken it from the Education Code, which declares that to be the minimum number of attendances qualifying a child to be examined at the time of the annual inspection. But the school must meet—according to the Code—at least 400 times in the year; and the grant is given on the average attendance at those 400, or more than 400, meetings; how, therefore, could 250 attendances on the part of the child be regarded as sufficient? The Commission recommend that for half-time 220 attendances of the child at school should be required, or 110 days in all. Full-time, therefore, should be about 400 attendances. The Secretary of the Board of Trade, when an Agricultural Commissioner, proposed that 200 attendances should be the number required for half-time in agriculture. I hope that the Government will muster courage to insist on at least something stronger than merely 250 attendances. We are told that this Bill is opposed by a large number of Nonconformists. There is nothing more easy than to oppose a weak, half-hearted, and inefficient Bill of this kind. But I venture to assert that if a really bold measure—a measure which would give to the country universal education—were proposed, it would be very difficult for the Nonconformists, patriotic men as they are, to resist it, and to put their grievance in its way. It is much more difficult for the Government to pass a feeble and an inefficient Bill than to carry through a really strong and bold one. I do not know whether many Members of this House are accustomed to play at the old-fashioned game of chess; but they may often see in the papers chess problems that are to be solved by three or four moves. This is a great chess problem; and the problem of making the children attend school might be solved in three or four moves. But if you take a wrong move, it will require a great many more. I am afraid that my noble Friend (Viscount Sandon) is not now taking the right move. Instead of advancing a queen to the point of attack he is advancing a pawn; and in place

of solving the problem in three or four moves, I am afraid that at his rate of progress he will have to take many, and that he will have to retrace his false steps and then to take the right ones. I hope he will review his position and decide to adopt the bold course at first, by accepting the Amendments of my right hon. Friend the Member for Bradford (Mr. Forster), and those of the noble Lord near him (Lord Frederick Cavendish), and embodying them in the Bill in Committee. Then we may this year pass a measure that will really advance the object which we all have at heart—namely, that of bringing into school the 1,300,000 children who ought to be at school, and for whom there is room, and thus rendering the money which has been so freely spent truly beneficial to the country.

MR. GATHORNE HARDY said, the hon. Gentleman who had just sat down (Mr. Kay-Shuttleworth) had referred to the game of chess. He (Mr. Hardy) did not profess to have any special skill in that game, but he had always understood that skilful players employed their pawns before bringing their queen to the front, lest by bringing out the queen too soon, the game might be imperilled. The hon. Member proposed that the Government should play his game—a proceeding to which they entirely objected. They were playing their own game, and not that of the hon. Gentleman, and they believed that by the course they had adopted they should win the verdict of the country, while at the same time they satisfied its expectations. The hon. Gentleman had shown great inconsistency; for after dissecting the Bill with the skill of a vivisector, he had come to the conclusion that he could not oppose the measure, but he wished to see it brought more into conformity with his views. He thought the hon. Gentleman, without knowing it, had made a covert attack on the existing system, for almost all his arguments against it would equally apply to the existing law, which, to a great extent, had proved successful. The hon. Gentleman had told them there were only two good points in the Bill, and they were so weak and objectionable that it was not thought they could ever answer. He (Mr. Hardy), however, would turn to a great educationist, the right hon. Gentleman the Member for the University

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of Edinburgh, who said he saw in the measure a sincere attempt to deal with a great question. He said that by the ordinary action of the Bill a large step would be taken towards increasing the number of attendances, though he felt that more was necessary to bring the whole of the children into school. Complaint was made of the silence of the Government by the hon. Member for Hackney (Mr. Fawcett), who undertook to direct the Government as to the time when they ought to interfere in the debate. He was as ready to interfere then as now; but what was the course of the debate? It was not a debate directed against the principle of the Bill, nor against the Bill itself. It was a debate of criticism. His noble Friend (Viscount Sandon) had introduced the measure in a long and able speech. Everything connected with the Bill was before the House. Members rose one after another. The hon. Member for Sheffield (Mr. Mundella), who took certain objections to the Bill, was followed by the hon. Member for Poole (Mr. Evelyn Ashley), who, if he might use the expression, "said ditto" to the hon. Member for Sheffield. But he did say that what he wanted to fix was parental responsibility, and that had been repeated that evening, and indeed it had proved the cry of almost all the speakers upon the Bill. He thought, however, he could show there was abundance of parental responsibility in the Bill. But it must be remembered that the speeches of partial objectors to the Bill were met by speakers on the other side. There were the hon. Members for North Northumberland (Mr. Ridley), Manchester (Mr. Birley), Leicestershire, and Exeter (Mr. Mills), and, last but not least, for Berkshire (Mr. Walter), who in the most manly way stated his opinions, and made a speech calculated to do the greatest good—he did not say to the Bill, but to the cause of education in the country. The hon. Member for Sheffield told them that they were bound to take the recommendations of the Factories Commission as the basis of the Bill. Now, the Government had carefully considered the question involved in that view, and with a real respect for the ability of the Members of the Commission. At the time when the Bill was under consideration in the first

instance that Commission had not then reported, but still it did report in abundant time to have its recommendations considered; yet the Government were of opinion that direct and absolute compulsion was not a mode in which they could most properly deal with the question in accordance with the public feeling of the country so as to secure the objects which they had in view. He did not think they were bound to take the *dictum* of the Commissioners on a subject of this kind, more especially when that particular point had not been definitely referred to them. The hon. Member for Roscommon (the O'Connor Don) was a Member of the Commission, and had made a separate Report. In that Report he had made a statement, with which he (Mr. Hardy) perfectly agreed, and it was this—that the reference to the Commission was in regard to certain trades existing under certain Acts of Parliament, and they were asked whether they would extend those Acts to other branches of trades, and how far they would interfere with those trades which came under the Factory and Workshops Acts. They had not the question of general education or of universal compulsion throughout the country referred to them, but only one special part of education—that in connection with trades under the Acts referred to. The hon. Member for Hastings (Mr. Kay-Shuttleworth) said there was no provision for children between the ages of 10 and 13; but his right hon. Friend the Secretary of State for the Home Department said, when asked the question, that the Report as to children over 10 required the most careful consideration and legislation with respect to trades and factories, but the proper time had not come for that. At all events, after the separate Report of the hon. Member for Roscommon he thought the House would hold that he was justified in saying that he could not agree with the Commissioners, for they had not the whole question before them. The hon. Member for Roscommon said—

"They recommend general compulsory education, not alone where factory and workshop children are concerned, not alone in the large towns and cities, but for all children in all places. . . . I am not quite prepared to join in this recommendation. I do not admit that it legitimately comes within the scope of our inquiry, and certainly, if it does, we have

never gone into it sufficiently to be able to pronounce a decisive opinion upon it. . . . Into such an investigation we did not go. I do not believe it was our duty to have gone; and, not having made this investigation, I do not think we are justified in pronouncing a decision upon a subject upon which we are not more capable of forming an opinion than if we had held no inquiry at all."

No one could read that hon. Gentleman's Report without seeing the intelligence which he brought to bear upon the inquiry. He (Mr. Hardy) had not been able, he confessed, to read the whole of the evidence which was taken, but he had from the index referred to points in that evidence, and he had looked at the statements of those witnesses whose evidence appeared to bear upon this part of the question, and he did not in the inquiries which appeared to have been made find enough to justify general legislation. He agreed in fact with the opinion of the hon. Member for Roscommon. It might be supposed from what had been said that there was under school boards a universal system of compulsion, and the hon. Member who had just sat down had called his attention somewhat critically to *Hansard*, as to opinions he had expressed six years ago. If he had changed his opinion he would not have been at all ashamed of it after an experience of six years upon the matter of education; but he found that he, at that time, expressed the opinion that he was now about to express upon the subject. He said then that the time had not come for the Bill that was then being introduced, or to introduce direct compulsion in any shape; and least of all, he said, before they had gained more knowledge they should not commit the power to local bodies to decide whether they should have compulsion or not. But he also said that if the right hon. Gentleman opposite (Mr. Forster), had provided a system of indirect compulsion, the alleged deficiency would be supplied. Now, that indirect compulsion was the groundwork of the Bill, and he said now, as he said then, that indirect compulsion was the best mode of proceeding to bring the country into the mind to bring up their children in the way in which they desired. The principle of the Education Act was decided against him, and doubly so, for the decision was in favour of direct compulsion; and in favour of school boards laying down whether they would have direct compulsion, instead of Par-

liament deciding it. They had had great experience since then, and they had incurred an enormous expenditure of money, both by means of school boards and also by voluntary action, and the question came whether, after that great expenditure, they were not to have some means of getting the children to school. He felt that the country was not yet ripe for direct compulsion. He felt confident in that opinion, on the ground that all the school boards had not adopted it, for they were not at all unanimous on the subject. It was said the artizan and labouring classes were in favour of compulsion. If they were, they would, under the Bill, be able to obtain it. The Education Act gave school boards power to enforce direct compulsion. He believed school boards were not necessary for that purpose, and that they were distasteful to the country on many grounds. They were unnecessarily expensive, and they often caused conflicts of opinion which led to expense, and rose bitter questions, which when once invoked, were not easily got rid of. They were distasteful because of that direct compulsion which was placed in their hands. He did not say they had not used that power with discretion, but they had exercised it in many instances to raise a great deal of public animosity against them, and whether justly or unjustly, school boards were an institution not favourably regarded. But the passing of that Act witnessed that the Legislature had determined that the people should be educated, and the Government had considered that vast and most difficult question—how they could best attain that object. The school boards had not attained it. The country, indeed, would not adopt school boards with the view of attaining it. A great number of school boards had not yet made bye-laws on this subject, but were simply acting as school boards for other purposes. Well, then, finding that state of things, and having to arrive at some conclusion by which they should enforce responsibility, they had placed in the Preamble of the Bill a declaration as to the responsibility of parents to educate their children. The hon. Member told the House that it was a totally different thing placing that principle in the Preamble of the Bill and enacting it; but it would have been of no use enacting it without attempting to enforce it. Would any-

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head, and of those in the board schools 11s. 5½d., a fact which proved that the voluntary were as efficient, if not more so, as the board schools. In former days 200 attendances a-year were sufficient to enable a child to go up for inspection, and that number had been raised by the right hon. Gentleman opposite to 250, at which it still remained, and if a child attended 250 times a-year for five years it would be a very hard thing to stop him from going to work. The hon. Member had asked how these labour passes were to be granted, to which he (Mr. Hardy) replied that an Inspector or special Inspector should be appointed to grant them, and nothing would be easier than for the Inspector going to the school granting each child passing his examination his pass, although it was a matter of detail rather for the consideration of the Department than of the House of Commons. He did not think, in conclusion, that he had neglected to answer any point that had been brought forward in the debate, in endeavouring to give importance to points on which hon. Members had dwelt. He could not agree with the statements that had been made that there were at the present moment about 1,700,000 children in this country receiving no education whatever, because he was aware that each 50 or 60 children in the schools represented on an average some 80, or 90 children who occasionally attended. There were, however, he fully admitted, a sufficient number of truant children to induce them to proceed with this measure. He did not advocate direct compulsion. He had said on a former occasion, that if the country was prepared for it, it would be better to do it by legislative action than by indirect action, but he now said that the country was not ready for direct compulsion. Judging from the past six years' experience attendance could be enforced better by appealing to the people's feelings, by educating the parents of the country in the first instance, and resorting to terror only, to a certain extent, as a last resource. He believed the consequences of the Bill would be that the laborious and law-abiding people of this country, when the intelligible rule was made known to them that no child should be put to labour before he was 10 years old without a labour pass, which was to be earned only by attendance for five years, would approve it, and when

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it came before them not with the force of law, but with a gentle suasion they would obey it cheerfully. He believed with the right hon. Gentleman the Member for the University of Edinburgh that this measure would make a sensible and great step in the direction of real education; that it would meet the wants of all classes; and that where there were efficient schools which gave an education not only of the intellect, but of the heart, the children would be brought into them under it, and that the result would be that we should have an educated people not only in the sense of an instructed people, but an educated people in a moral and religious sense also.

THE O'CONOR DON said, he had been delighted in listening to the glowing eulogium passed on the voluntary school system, and on the advantages of religious education by the right hon. Gentleman who had just sat down (Mr. Hardy); but he asked what was there in the Bill to justify all this enthusiasm? The right hon. Gentleman, in concluding his speech, said that he thought he had left no argument which had been urged against the Bill unanswered, but he (the O'Conor Don) thought he had left one very important point untouched, for he had not told them what the Bill really would do for the voluntary school system. He asked what advantages did this Bill give to that system of education which the Conservative Party was peculiarly supposed to watch over and to protect, and, above all, what prospect did it hold out of security or stability in the future? To his mind this latter question was the all important one. A Bill that gave a little more money here and there to certain voluntary schools, a Bill that did not set up school boards and board schools everywhere, and whose chief merit consisted in having refrained from doing something rather than in what it did, was certainly a strange Bill for the Conservative Party to be satisfied with. When they examined the Bill was not its negative character its chief recommendation? When it was said that it did not establish school boards everywhere, and did not enforce universal compulsion, was not everything said that would be said either for or against it? The additional assistance which it proposed to give under certain circumstances to poor districts was, according to the statement of the noble Lord who introduced the Bill, a mere subsidiary

proposal; it could be swept away in Committee without altering the character of the Bill, and even if passed, the trifling extent to which it would benefit voluntary schools had been so clearly shown by his noble Friend the Member for Westmeath (Lord Robert Montagu) that he would not dwell upon it. The Bill interfered in no way with existing school boards; it left them and secured them in possession of all their advantages; it permitted their continuing in exactly the same way as if no alteration in the law took place; and although it permitted the trial of a different sort of machinery for carrying out educational requirements, yet that was eminently only a tentative proceeding, and if the machinery broke down, as he feared it would break down, the way was opened and made easy for the school boards. There was one very objectionable clause in the Bill, which required the attendance to be at Government schools in order to qualify for the labour certificate. This was quite a new feature in educational legislation. It was not required in the Act of 1870, and it would place voluntary schools, which were not in connection with the Government, at a very great disadvantage. Moreover, it would most seriously interfere with the employment of children who came over from Ireland with their parents, and who, although they might have attended at National Schools in that country, would not be allowed to labour in England, unless they could pass a standard of examination. Then as to general compulsion. It was true the Bill did not establish it at once, but its whole tendency was in the direction of its establishment. The hon. Member for Sheffield (Mr. Mundella) proposed by his Amendment that the House should endorse the recommendations of a Royal Commission upon which he (the O'Connor Don) had the honour of serving, which recommendation was to the effect that general compulsory education should be at once established. From that recommendation he had differed; he entertained a strong objection to interfering with parental rights and responsibilities. He agreed with the right hon. Gentleman that parents ought rather to be stimulated to look after the education of their children, than to have their responsibilities in this regard supplanted by the State, but he did not dissent from

his Colleagues upon this ground. In his separate Report, to which the right hon. Gentleman had referred, he had said nothing against compulsion, he merely declined to recommend its general adoption, because he thought it was outside the scope of an inquiry into the operation of the Factory Acts. In a circular which they issued immediately after their first meeting, the Commission stated the object of their inquiry, and in that circular not one word was said which would lead anyone to believe that this very wide recommendation was possible, and for himself he could say that he sat on the Commission for months before he had any idea that it was contemplated. He could not agree with his hon. Friend the Member for Sheffield, that any particular weight was due to this recommendation because it came from the Commission, for their inquiries had been confined to children employed in regulated labour. They had held their investigations only in the large towns, in most of which school boards and compulsory bye-laws existed, and upon the general question of education in the rural and agricultural districts, if they excepted the evidence of some of the officials connected with the Factory and Education Departments, they had no evidence worth a straw in regard to compulsion. He also deprecated the argument arising out of the example of Scotland, and contended that the evidence given before them proved that at the present time the education given in the large towns in Scotland was very inferior to that given in similar towns in England, and in support of this view he referred to the statements made by Sir John Wauchope, the head of the Education Department in Scotland, and by Mr. Walker, the chief Factory Inspector there, and also the Report of the Commission itself. At the same time he said he felt bound to admit that the evidence given in the large towns in England where compulsion had been tried was all in its favour. But if they turned to the Bill, if it had not accomplished all that the hon. Member for Sheffield desired, it certainly went a long way in the direction which he indicated. It clearly sanctioned the principle of compulsion; it ratified it where it existed; it gave new facilities for its enforcement; it proposed to place upon the parent who did not send his child to school even a greater penalty than a small



temporary fine, for it proposed to deprive him of the advantages of a child's earnings at a time when those earnings would be most useful. Moreover, the penalty was one which would not fall exclusively on the parent, but would in many cases touch also the child. The non-ability of a child to bring in any earnings when he came to the age at which other children would be earning, would result, in many instances, in his being only half fed, badly clothed, and worse treated, and the penalty would then fall upon the innocent child as well as upon the guilty parent. He quite approved of the system of indirect, as opposed to direct compulsion, if it were likely to be successful in increasing the attendance of the children at school before they came to the age of 10; but if it merely resulted in punishing them after that age, he believed that direct compulsion would be preferable. On the whole, he would have preferred seeing the Government taking a bolder course, and proposing, if they thought it necessary, direct compulsion; but coupling this with such provisions as to voluntary schools as would place them, with regard at least to annual grants, upon a footing of complete equality with board schools. Universal and direct compulsion could never be justly enforced unless the parents had free choice of the schools to which their children were to be sent, and that freedom of choice should be a real one. It was no use telling parents they might send their child to a school of their own denomination, unless facilities were afforded for the keeping up of schools in accordance with their opinions. The hardship of obliging children of Dissenters and Roman Catholics to attend Church schools had been alluded to, and no doubt that would arise under any system of general compulsion; but it could not be met merely by the establishment of purely secular schools. There were just as strong conscientious objections entertained against sending children to those schools as to schools of a different denomination. The reason for this was obvious. The parent felt an objection to sending his child to a school belonging to a different religious community, not so much because he feared the child would take up the religious belief of that community, as because he might lose his own belief, and as there was

often far more reason to expect that this loss of faith would be the result of the purely secular school teaching and associations, it was no wonder that a strong conscientious objection existed against it. Until this was clearly understood and recognized in legislation, compulsory education would in many instances amount to religious persecution. The difficulty should be met by affording every facility for carrying on education in accordance with the opinions of the parents, and by giving perfectly equal assistance by way of grants to schools in proportion to the educational results they accomplished, no matter in what schools they were accomplished, the cases of very small minorities being provided for by a very stringent Conscience Clause. He regretted that the Government Bill did little or nothing in that direction; he feared that a great opportunity was being lost, and that the result of the Bill if passed without alteration would be to make the way easy hereafter for the establishment of the purely secular system.

MR. KNOWLES said, that having been a Member of the Commission he could state that the evidence taken by them was of such a character as to warrant them in recommending the adoption of the principle of direct compulsion. He believed that the Commissioners were unanimous in that recommendation, with the exception of the hon. Member who had just spoken, although they left it to the wisdom of Parliament to determine how that compulsion should be carried out. He entirely agreed with the Commission in the opinion that compulsion in some form was absolutely necessary in this country. He also agreed with the hon. Member for Sheffield (Mr. Mundella) that all children should be educated, that employment should be no excuse, and that two miles distance from school should be no excuse for non-attendance. But there were some things in which he did not agree with the hon. Member. He could not agree with him when he introduced into the debate the name of Joseph Arch as representing the working classes, because, in his opinion, it was unnecessary to do so, for the Commissioners had not the benefit of that gentleman's experience. The hon. Member himself volunteered his evidence, and his examination elicited facts for which the Commission

were much indebted to him. All the evidence showed that there were a number of children who were not attending school, and the Commissioners could not help coming to the conclusion that the children of this country must be educated. The only question was as to the best mode of effecting that object. Employers of labour, managers of large factories and workshops, clergymen, ministers, schoolmasters, Inspectors of Education, and the working men themselves came to one and the same conclusion—that all the children ought to be educated, but they did not see any way of arriving at that result without compulsion. The friends and opponents of school boards equally agreed in this conclusion. Schoolmasters wanted more regular attendance; but it did not appear that they got it, except where school boards existed, and made attendance compulsory. For himself he should prefer a permissive Bill and voluntary attendance, because a child who went to school of his own free will was always a better learner than a child who was driven there. One great obstacle to education was that ignorant, and therefore indifferent, though loving, mothers looked upon it as a hardship to the children that they should be obliged to go to school. These mothers would say—“I never went to school; I never had any education; I do not know that my children are any better than I am, but I have got on somehow, and they will get on somehow too.” There was another class of mothers who were too idle to exert themselves to clean and send their children to school, and who sent them to run about the streets or anywhere so long as they got out of their way. Although there was much less of that kind of thing now than there had been 15 years ago, there was still a great deal of it existing yet, and how were these children to be got at unless they were driven to school. In some of the agricultural districts, to which the inquiries of the Royal Commission had extended, there was objection to compulsion on the ground that it would work great hardship; but those who said that looked at the matter from a very narrow point of view. There was in the country districts a surplus population, which was increasing in consequence of the introduction of machinery in agriculture and the laying down of grass land to save labour. That

surplus population naturally migrated to the towns in search of work; but before they could get employment they must be educated to the extent of their being able to compete with those labourers who were already there. A teamsman or a waggoner might get on without education, but when he came to a town and endeavoured to get employment for his children, the case was very different. All trades were being more or less interfered with by Act of Parliament imposing regulations which required not only to be read, but also to be understood, so that the capacity to read and to comprehend was more than ever necessary on railways, in mills, and in the service of companies; and porters, pointsmen, and policemen equally required some degree of education. In fact the day was not far distant when an uneducated person would be unable to get employment, except upon a farm. When children entered mills owners had a right to expect that they should be able to read and comprehend the rules that were drawn up not only for their guidance, but also for their safety and protection. Unless there was compulsion, many of the children who ought to receive this necessary instruction would be left out of the schools. He agreed with the general provisions of the Bill, but considered it was too permissive. It laid it down that Town Councils “may,” Guardians “may,” and sanitary authorities “may” do this and the other; but his experience, which had been considerable in all those bodies, taught him that they very seldom did do—“may do,” therefore, ought to be “shall do.” In the case of assessment committees, their duty was made imperative, and, generally speaking, it was done, and well done, and the bodies he referred to would do their duty when, instead of it being left to the exercise of their own discretion, it was clearly and specifically laid down for them as it was for the assessment committees. The complaints about cases of hardship imposed upon poor widows with large families, and poor men with eight or ten children earning only 7s. or 8s. a-week, in driving the children to school and preventing them from working were only the usual stock-in-trade, and a repetition of what had been heard any time the last 20 years whenever any restriction was proposed. From the long faces of the cotton

spinners at certain times it might have been supposed that the working of the mills depended upon the mere infants which worked in them, but when the Acts came into operation the mills went on as usual. No doubt there might be individual cases of hardship, but there were thousands of rich people in this country who would be only too glad to relieve such cases, and the cry of hardship came only from drunken and improvident parents who desired to trade on their children, for, of course, the less the children earned the less the parent would have to spend in self-indulgence. He believed that if the Bill were passed, with Amendments, it would have the support of the country, and that difficulties would vanish when it came into operation. In this, as in other cases, where there was a will there was a way. As regarded board schools, there were very strong feelings in Lancashire against school boards and board schools. Great efforts had been made in the shape of erecting schools, but the managers were unanimous in stating that there was a great difficulty in getting the children to attend with any regularity. He therefore thought that there must be a more definite compulsion. Unless compulsion were provided that class of children which had been spoken of as "wastrels" would continue largely to exist, would be left in the streets, and would be ill-fitted for industrial occupation when the time came that they must work. He did not approve of education without some religious instruction, and if it were banished on account of the opposition of those who, because they could not control it, would not let others do so, the zeal of all religious bodies alike would induce them to supply the deficiency in some other way, for he was perfectly sure those great Bodies outside the Church would not long endure a purely secular system. He trusted that before the Bill was read a second time the noble Lord would give them some assurance that in Committee he would consent to its being made compulsory in its operation.

SIR JOHN LUBBOCK said, he desired to thank the last speaker for the excellent speech he had delivered. He must confess that, notwithstanding the very able and interesting speech of the noble Lord opposite (Viscount Sandon), he (Sir John Lubbock) felt some diffi-

culty in understanding how the measure would work, or whether it would work at all. He regretted that the Government had not seen its way to a simpler and more direct mode of action. A good deal had been said in this debate of the unpopularity of school boards, but so far from the London School Board being unpopular, his impression was, that the metropolis highly appreciated its labours and the admirable manner in which they had carried out the arduous task entrusted to them and was grateful for its efforts; and if board schools earned rather less than schools conducted by other bodies, it was to be remembered that many of them were situated in previously neglected districts. The noble Lord the Member for Westmeath (Lord Robert Montagu) and other hon. Members had said that compulsion was not even the rule with school boards, but the fact that that system had been resorted to by 97 cities and boroughs out of the 99 in which school boards existed, was to his mind conclusive in its favour. The hon. Member for Sheffield (Mr. Mundella) had referred to education in foreign countries, upon which it was asked, "What had we to do with foreign countries?—it was we who should lead and not follow them!" But before we could lead people we must get ahead. Hon. Members opposite objected to our being influenced in education by the action of foreign countries, but it must be remembered that the House was called upon to vote year by year vast sums in order that we might be kept on the footing, in the way of armaments, of that which was doing abroad. He thought we might very well vie with foreign countries in education as well as in military expenditure. Now, had any foreign country adopted the principles contained in the Bill? He believed not, and the Factory and Workshops Commissioners had given very good reasons why. Clause 4 had been described as the keystone of the Bill. But in order that it should be effective, a parent would have to remember months, and even years beforehand, that his child would require a certificate of attendance; he would require to watch carefully that the number of attendances was made up, and have faith that the watchfulness of Government would be sufficiently all-pervading to prevent him from finally escaping its requirements.

*Mr. Knowles*

A parent so foreseeing, however, would send his child to school without any interference on the part of the Government. Those were not the parents with whom the Bill was intended to deal. The Commissioners truly said, that such a provision as that combined the maximum of hardships with the minimum of efficiency. They feared that the requirement would operate in practice merely to exclude from the labour market for a time the bulk of the children who attained the age fixed by the Legislature for first employment. In fact, there would be many children whom the Bill would forbid to work, and yet for whom it would provide no motive which should make them learn. But the noble Lord, no doubt, hoped to deal with these cases by means of Clause 7. Local authorities, however, would find considerable difficulty in putting it into effect. The local authority was to put the law in motion if the parent—

“Continuously and habitually and without reasonable excuse neglects to provide such elementary instruction for his child as would enable him to obtain a certificate under the Act.”

But, as 125 days' attendance was all that was necessary, the local authority would practically be unable to act till the beginning of August, because up to that period the parent might plead that more than sufficient working days still remained. In that case it was obvious that for more than seven months in the year that provision would be a dead letter. There were many of the smaller details of the Bill which required further explanation. For instance, a child might be kept at home for “necessary domestic duties,” but that might mean minding the baby or keeping the house clean, which were very necessary, but if such duties were accepted as an excuse for non-attendance the Act would become a dead letter. Then it seemed to be altogether a boys' Bill—it might affect boys, perhaps, but it did not apply to girls. In making these remarks, however, he did not wish them to be understood as hostile to the Bill. Naturally in discussing a measure people dwell on its defects, but there were parts of this Bill which he for one could not but hope would on the whole work well, and diminish the proportion of children who would grow up altogether without education. A great part of it, indeed, was

permissive, but it had one advantage over the Agricultural Children Act, which, it was said, had been a failure. Under the present Bill, however, if the authorities did not avail themselves of the Bill, it was then the duty of the Education Department to interfere. That was an important, and would be a most effective part of the measure, and if energetically administered, it might certainly do a very great deal of good, because, if the local authority neglected its duty, the Education Department might appoint persons to perform it, and charge the expense to the defaulters. One subject for congratulation, at all events, was this, that by the present Bill Her Majesty's Government and their supporters were committed to the great principle that children were not to be allowed to grow up in ignorance. To meet this they had proposed a particular remedy. Many hon. Members doubted whether it would effect the object; but if it did break down, the Government would, he supposed, try another mode of dealing with the question. The principle of the 14th clause seemed to him excellent. In all probability the expense thrown on the country would be small, but prizes were not to be measured by their mere pecuniary value. He had no doubt but that this clause would prove a powerful stimulus to many a schoolmaster and to thousands of children in the elementary schools. In conclusion, he would only express the hope that the Government would consent in Committee to consider Amendments with a view to strengthen the provisions of the Bill, and then it might effect, or at least do something towards effecting, the great object which the House and the country had so much at heart.

MR. CLARE READ said, there appeared to be an opinion prevalent in consequence of his having made adverse criticisms, after he had heard the statement of the noble Lord who introduced the Bill that, therefore, he was opposed to it. It was also said that he was very much hurt that the Agricultural Children Act was to be repealed, but the fact was he was glad that Act was to be repealed. It never was more than a stop-gap until some general measure was passed. As to this Education Bill, he found that objection was taken to the fact that it proposed to vest

power in the Boards of Guardians, and he observed that the Agricultural Labourers' Union declared that the Guardians were not proper persons to deal with education, because of their association with pauperism. He thought that Boards of Guardians were really the municipalities of the rural districts. All sorts of duties were thrust on them which they had not to discharge a few years ago. They had now to look after the health of a district, and he did not see why they could not look after the education of their Union and apply compulsion, because health and education were necessary to preserve them from pauperism. He did not think that Boards of Guardians would have any difficulty in putting compulsion in force between the ages of 5 and 10, because public opinion was so entirely in favour of it. There was one point he wished to press on the attention of the noble Lord. A child might under the Bill complete his 250 attendances in six months, and for the remainder of the year he might go about an educated wastrel. He might do anything except enter regular employment. As to the non-employment of children in the North, he pointed out that the reason the farmers there did not require juvenile labour was that a great many women were employed, and this explained how it was the farmers in the North could pay their men well. If they went into a field in the North they would see two women to one man employed; but if they came to Norfolk and further into East Anglia and throughout the South, they would see 20 men and boys working, but no women. He pointed out exceptions which were made in the Bill with regard to certain seasons of the year, such as at corn and hay harvest; but, he said, these exceptions were not wanted. He, however, thought the exception in favour of hop-picking was a proper one, but it only concerned a small district. Children were useful in finicking operations of husbandry, such as weeding, picking stones, singling turnips, and so on, and a child could earn 6*d.* a-day very easily, and if children did not do it probably it would not be done at all. There was also the case of the market gardeners, who found children useful in picking fruit and planting potatoes. He thought these were points worth con-

sidering. His hon. Friend the Member for Sheffield said, in the able speech which he made the other evening, that the agricultural labourer was in favour of compulsion, and he knew their delegates contended that the Agricultural Children Act ought to be put in operation everywhere; but he had never found more than two agricultural labourers who were in favour of that being done, and one of those was a man who had never had a child; while the other had no child who was within the school age. As a general rule what they said was, that as soon as ever their children could earn a trifle they should be very glad. It was all well enough to talk of the Report of the Royal Commissioners on Factories and Workshops. But he thought the Commissioners had overstepped their Instructions when they made recommendations in respect of agriculture. He would also observe that it was a mistake to suppose that if the House should decide that there should be universal compulsion up to 13 or 14, it would be easy to enforce it. There was, for instance, that very useful measure, the Vaccination Act, which insisted that something should be done for children of which they would find the benefit throughout their lives, and yet there were scores of persons who rebelled against that law, so that there was a great deal of bother attendant on the enforcement of its provisions. There was another Act which said that all pauper children who could not pass the Fifth Standard should go to school until they were 13 years old, and the consequence was that there were remonstrances without end against it, and that the Boards of Guardians throughout the kingdom were opposed to it, and that Standard had to be reduced from the Fifth to the Third, whereupon a cry of a dreadful Conservative re-action was set up. Although it would be found that during the 12 months which first elapsed since the order was issued only 1,470 pauper children had passed the required Standard, in the first six months after the Agricultural Children Act came into force no fewer than 600 pauper children had been allowed to go to work, because they had complied with its provisions. He was glad to see that by the provisions of the Bill no difference in the future was to be made between the education of pauper

*Mr Clare Read*

and other children. His hon. Friend the Member for Sheffield had also stated that the country gentlemen, and by implication he embraced all magistrates and clergymen, were opposed to education, but against that statement he must strongly protest. There were, it was true, a few farmers who thought it hard that they should be called upon to provide the means of educating their neighbours' children, when they could hardly provide for the education of their own; but the country gentlemen generally wished children to have a sound religious education; while they, like the farmers, objected to the compulsory formation of school boards throughout the districts in which they resided, and to having certain accomplishments taught in board schools paid for by the ratepayers. The Bill before the House, he might add, had been characterized by his hon. Friend the Member for South Leicestershire (Mr. Pell) as a wise, a comprehensive, and a well-considered measure. The more he had heard it discussed, the more was he disposed to endorse that opinion. He looked upon it as a mild, a gentle, and a persuasive measure. It did not certainly do too much or go too fast, but it was as well that country people should be made to walk before they ran. Another good thing about the Bill was, that it upset nothing, except, perhaps, his little Agricultural Children Act, and that it happily did not compel the creation of any new boards. It enlisted the sympathies of every employer in the rural districts, and it tended to encourage the intelligence and the talents of every poor child throughout the country. It held out every possible inducement to the good parent to send his child early and regularly to school, while it applied to the indifferent parent the very strong argument of the breeches pocket. It was a measure which, in his opinion, would in a very short time give us all the benefits which one could expect to derive from direct compulsion, without the harsh, the arbitrary, the irritating and reactionary tendencies which all direct compulsion must engender.

MR. RICHARD: I do not intend to make a speech on this occasion. But I wish merely to call attention to one or two facts of considerable gravity in connection with the matter now before us. The question of compulsion, direct and

indirect, and the educational aspects of the Government measure generally, have been discussed with great ability on both sides on the Amendment of my hon. Friend the Member for Sheffield (Mr. Mundella). But the House must be aware that there are other elements contained in the Bill which have only been referred to cursorily and incidentally. I refer particularly to the immense additional power thrown into the hands of the denominational schools, and the bearing of that upon the rights and liberties of large classes of Her Majesty's subjects who are not members of the particular religious communion to which the overwhelming majority of these denominational schools belong. On this point I feel it my duty to inform the House that nearly all the Nonconformist Bodies in the country have pronounced against the Bill with a unanimity and earnestness which I have seldom or ever before witnessed. The United Nonconformist Committees of London, Liverpool, Manchester, Birmingham, and other large towns, which met recently at Crewe, declared their conviction that the principles of religious liberty are seriously violated by the Bill. To the same effect are the Resolutions of the Congregational Union of England and Wales, representing upwards of 4,000 churches; of the Baptist Union, representing upwards of 3,000 churches; of the deputies of the three denominations, in and about London; of the Unitarian Association; of the Liberation Society; and last, not least, the powerful body of Wesleyan Methodists, who have condemned it as unequivocally and emphatically as any class whatever. I hope that neither the noble Lord the Vice President of the Council nor any other hon. Member of this House, will think it wise to ignore or despise the opinions of so large a body of our countrymen on a question in which they are so intimately concerned. For let me remind the House who these people are, what place they occupy, and what a work they are doing, in connection with our national life. I observe that recently an able and competent statistician, in a paper read before the Statistical Society on the "Statistics of Religious Institutions" in this country, stated, on what appear to have been carefully-prepared and authentic data, that while the Church of England provides between 18,000

and 19,000 places of worship, the non-Established or Nonconformist Bodies provide 28,000 such places, all of them built without a penny being derived from tithe, or tax, or rate, or any form of compulsory impost, but as the pure offspring of voluntary zeal and liberality. What may be the amount of money invested in these buildings I have no means of ascertaining, but it must be very large. The same authority estimates that the amount raised for the support of these places and the various institutions connected with them cannot be less than £6,000,000 a-year. Now, I say it is not wise, not true statesmanship, in considering a question so essentially a national one as popular education, to leave out of account the opinions and feelings of so large a portion of the nation. The hon. Member for Berkshire (Mr. Walter), in his speech on Thursday last, referred to these Resolutions of the Nonconformists. I confess I listened to that speech with much the same feelings as the hon. Member described himself as having experienced on seeing the Resolutions—those of great surprise and regret. Earlier in the Session that hon. Member delivered a speech on the Burials Bill, conceived in a spirit so generous and courageous in its vindication of the rights of the Nonconformists, that I felt he had earned the gratitude of all the Dissenters in the Kingdom by the good service he had rendered to them on that occasion. And when I saw him get up to take part in the education debate I said to myself, now we shall have a speech that will uphold the principles of religious liberty. But great was my astonishment to find the hon. Gentleman launching forth into a vehement Philippic against the Nonconformists, because they had dared to say that they considered this Bill, if it passed into law, would involve a serious violation of the rights of conscience, and place them at a disadvantage as respects their religious interests and liberties. For that the hon. Gentleman denounced them as impracticable and intolerant. And it was curious and edifying to observe the rapturous delight with which hon. Gentlemen on the other side received these charges of intolerance against the Nonconformists. It is always interesting to witness such spontaneous ebullitions of self-conscious and indignant virtue on the part of the righteous,

who are perfectly exempt from the infirmities which they so emphatically rebuke in others. For, no doubt, it was the profound sense of their own perfect tolerance that made them so wrathful at the intolerance of the Dissenters. Whether the eagerness with which any allusion to the Nonconformists in the way of reproach or ridicule is received on the other side be a sign of tolerance or intolerance it is not for me to decide; but certainly, if I were to recommend to any young Member of the House, especially on this side, a sure means of obtaining an easy, if somewhat hollow oratorical success, I should say to him—Have a fling at the Nonconformists, and your fortune is made. And especially if you stand up with a jaunty air, and with an easy wafture of your hand exclaim—“There is no religious difficulty in education”—though the same declaration has been made before probably 20 times, you will stand a good chance of being greeted with what the reporters call “loud and long-continued cheers.” One of the oddest things I know is the way in which hon. Gentlemen in this House, and especially on the other side, seem to think that they are better acquainted with the position, the interests, and the feelings of the Nonconformists than they are themselves. The Nonconformists meet sometimes in large conferences of from 800 to 1,000 persons from all parts of the Kingdom, at other times by Representative Bodies, consisting of their most trusted and honoured men, who are chosen because they are assumed to understand the circumstances, the wishes, and feelings of those whom they represent; and they pass resolutions expressing their judgment of public measures, as they have done on this occasion, declaring that in their belief there is danger to their most cherished interests involved in its provisions. But any hon. Member in this House feels himself entitled to waive all that aside, and to say—“These good people are entirely mistaken; there is no hardship or grievance in the matter.” I hear it constantly repeated here by one and another—“There is no religious difficulty whatever in education. I have had experience in my little parish in the country, and I have met with no religious difficulty, and therefore there is no religious difficulty.” Now, I submit to hon. Gentlemen whether it is not reasonable

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to assume that those who live in the midst of the scenes and circumstances, and are intimately acquainted from experience with the conditions under which a law is to come into operation, will be able to forecast more accurately how likely it is to affect them than hon. Members of this House can be who move in a totally different social circle, and are surrounded by totally different circumstances? The hon. Gentleman the Member for Berkshire went so far as to say that the action of the Nonconformists in this matter was "got up for Party and political purposes." Now, with all respect to the hon. Member—and no one respects him more highly than I do—I must give to that statement a peremptory and emphatic denial. Whether these people are right or wrong, whether they are correct or otherwise in the judgment they have formed of this measure, there is not the smallest doubt that they are perfectly sincere in the apprehension they entertain as to its sinister influence on their rights and interests. I am not going to argue the matter at present—for it is a point which cannot, in my opinion, be advantageously discussed on the Amendment of my hon. Friend the Member for Sheffield; but I hope, on a future stage of the Bill, to raise a distinct and special issue on the question. I think—if it is not presumptuous in me to say so—that I could answer the arguments of the right hon. Gentleman the Secretary for War on the religious question. Indeed, there was very little argument in that part of his speech. The impassioned declamation on the value of religion and of religious education, which always elicits such tumultuous cheers on the other side, amounts to very little, except to afford hon. Gentlemen opposite an easy way of proving what an extremely religious party they are. Such declamation is entirely beside the mark. The question is not, whether it is desirable to give a religious training to our people. On that point there is no difference of opinion. There is none, at least, so far as I am concerned. I yield to no man in this House in my anxiety to have children religiously educated. I go further, and agree with the right hon. Gentleman the Secretary for War, that there ought to be distinct, clear, positive, religious teaching. I do not believe in a neutral religion that has no

blood in its veins—something that will please everybody and displease nobody. But the question is, when and by whom it is to be given? Our contention is, that you cannot give distinct positive religious teaching in schools supported out of public money without violating the rights of conscience. I hold that justice is as an essential part of religion, and no amount of dogmatic theology you can pour into a child's mind can compensate for the affront you offer to the spirit of religion by violating the principles of justice and charity in your administration of the schools. But I contend further, that the religious instruction you give in day schools is practically of very little value. You will find abundant proof of this in the Reports of the official Inspectors of Church of England schools, so long as those Reports were presented. Here is one specimen from the Report of the Rev. J. R. Blakiston—

"Many a time have I had to listen, sorrowfully enough, to disquisitions on the extreme importance of 'the religious element' in the education which our day schools offer to the children of the poor; the said 'religious element' consisting in the repetition by rote of the driest formulae, or the reading and learning of a passage of Scripture, it being a mere chance whether the teacher feels the slightest religious interest in the subject. Nothing stands more fatally in the way of a sound system of a National education than the notion that there is the faintest religious culture realized by any process of this sort. The wonder literally is, when we consider how such children are taught religion, that even the dimmest religious reverence survives. Because I believe so profoundly in the importance of the religious element in education, I deprecate this miserable parody on it so earnestly. Let us have honest secular teaching in our National schools—very religious work so far—and then if Christian parents, Sunday schools, Christian teachers, and the atmosphere of the life of a Christian nation cannot add the higher—that is, the true religious influence—perhaps the less we talk about our national Christianity the better."

But I forbear at present entering further on the argument. I intend, on going into Committee, to move a Resolution that will fairly raise this part of the question. I know hon. Gentlemen opposite dislike these semi-religious discussions in this House, and nobody can dislike them more utterly than I do; but if you thrust them into education and other Bills that are brought before this House, they must be discussed. And I am convinced that notwithstanding their repugnance to the subject, hon. Gentle-



men will not refuse to listen to us, as they have never yet refused to me at least their kindly indulgence in attempting to address the House, if we state our views, as I hope we always shall, with moderation and candour, and in the spirit of Christian charity.

MR. GREENE said, they had not heard from the hon. Gentleman who had just sat down what it was that the Nonconformists objected to in the Bill, but no doubt when he raised the question in Committee they would have an opportunity of answering his objections when he told them what they were. For his part, he thanked Her Majesty's Government for having brought in so excellent a Bill. He himself some years ago advocated the principle which they had adopted—namely, that of giving parents a direct interest in the education of their children. Notwithstanding what had fallen from the hon. Gentleman opposite, to expect that parents would give a religious education to their children was to expect what never would come to pass. Whatever might be said of the agricultural districts, and whatever objections might be urged by the Nonconformists, they knew that education which the people had hitherto obtained had come from the Church of England and emanated from the agricultural districts. Gentlemen opposite talked as if those residing in the agricultural districts had no care for the education of their people. He emphatically denied that such was the case. When he farmed largely some years ago, he always employed a schoolmaster three times a week in the winter season to keep up the education of the boys, so as to enable them afterwards to become, if they liked, policemen or railway officials. There were men in this House who owed their position to the education they had received in those little schools, which hon. Gentlemen opposite treated so lightly. He did not want to make out the labouring population to be all good or all bad; but he maintained that they were as anxious about the education of their children as hon. Gentlemen themselves, or any other class of the community, and even if they were not, when they knew that their children could not go to work unless they received a certain amount of education, they would insist on their attendance at school. It had been stated that the labouring classes fell back upon the in-

dustrial schools for the education of their children; that was a libel upon them. He felt very strongly that the education should not be a merely secular education, and he deprecated the introduction into the schools of those kinds of dogmas which some people taught; but if this was to be a Christian nation they should not exclude from the schools the only book which would be of any value, and he was sorry to see the proposal supported by the Nonconformists. There ought to be a clause in the Bill that no school board should have the power to exclude the Bible from the schools, and if no one else would move a clause to that effect, he would do so, and divide the House upon it. Although strongly opposed to Roman Catholicism he would rather send his child to a Roman Catholic school than to one where he would never hear the name of God or of Christ.

MR. MACDONALD said, he disapproved of the Bill because it gave a certain portion of the community a strong power over other portions which they ought never to possess. If skilfully worked, it could be made a powerful auxiliary in spreading the doctrines of the Established Church and giving it a superiority over other sects. It would also do that which should be done alone by Protestant Missionary Societies, and for that reason it was not worthy of support. He also considered the Bill to be unsatisfactory and incomplete, because it was merely of a permissive character. It would be altogether inoperative among the mining population. By the 5th clause the Mine Inspectors were the persons upon whom the duty would devolve of seeing that the children in the mining districts were educated; but, considering the many duties which they already had to discharge, the Bill in that respect was a deliberate farce. They would not be able to do what was expected of them even if their number was doubled or trebled. They should therefore relegate the duty to a proper authority, such as the school boards, or if they did not do that, they should adopt compulsory legislation altogether. The Bill, they were told, was one of progress, but unless its provisions were carefully revised, the progress would be one of retrogression. The Scotch Act, of which he had had some experience, had been alluded to, and the hon. Mem-

*Mr. Richard*

ber for Roscommon (the O'Connor Don) had said that it had been put into force without effect. That that was not the case he would show by quoting the individual case of the district with which he himself was connected. Four hundred and fifty persons had been brought before the board of which he was a member for not educating their children, and at least 90 per cent of these persons had one reason only to assign—namely, that their children were engaged in necessary domestic employment, and therefore they could not afford to send them to school. If the clause which made that a valid excuse were retained, it would open a door for evasion, and no progress would be made. When the Act came into operation in the year 1872, in his parish they had accommodation for 2,722 children. The first act of the newly-appointed school board was to have a proper census taken, and they found by this means that of children between the ages of 5 and 13 there were 4,934. It was impossible to carry out the Act at once, as they had 1,500 children to provide for, but they set about doing the best they could, and built wooden booths and borrowed chapels, and still they were unable for a year or more to compel the attendance of children as the law directed. They commenced building three large schools, and they were completed in 1875 at a cost of £15,000. The House had been told of the large burden which the school boards imposed on the rates, but in the parish to which he referred, the assessable rental was £74,000, and upon this the tax levied was only 2½*d.* in the pound on landlords, and 2½*d.* on tenants, making 5*d.* in the pound in 1875, whilst this year it was only 3*d.* in the pound between the two. There were now in the parish school board schools of the value of £24,000, and in 23 years' time they would have every one of those schools free from debt, with a rate not exceeding 3*d.* in the pound per annum. They had now accommodation for 4,647 children, or for nearly 2,000 more than they had accommodation for in 1872. The average attendance of children was 3,729. So much for the cost of building by school boards about which so much had been said. He denied that school board elections were necessarily expensive. In the district with which he was connected an election took place in April last, and

its cost was only £64, or one farthing per pound on the assessable property. It had been said by the hon. Member for Wigtownshire (Mr. Vans Agnew) that school boards did not give satisfaction in Scotland. He (Mr. Macdonald) had as much experience on the subject as any hon. Member in that House, and he ventured to say he had never heard a single expression against them from any honest, intelligent working man. The right hon. Gentleman the Secretary for War had told them school boards were distasteful. No doubt they were in some cases. Where one man in a parish had been accustomed to mould opinion and regulate all educational matters, school boards which disturbed the old routine might to a certain extent be distasteful, just as light was to the owls; but with a compulsory system of education, he believed they would be found the best means of overcoming the difficulties of the present question. The speech of the right hon. Gentleman the Secretary for War he considered was more declamatory than argumentative, and contained more impassioned eloquence than solid thought. In it, the right hon. Gentleman had boasted of having answered all the arguments which had been brought forward by the other side; but there was one argument he had not addressed himself to, and that was the one built by the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) on the 7th clause of the Bill. It was to be hoped that the Government would give some consideration to that argument. He must repeat that if the Bill was not amended with reference to the mining population, it would be little less than a farce, if the Mining Inspectors were to be left to carry the measure into execution.

Mr. W. H. SMITH said, he could not admit that the hon. Gentleman who had just spoken (Mr. Macdonald) had made out any case against the Bill before the House. He ventured to think it was—using the language of the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair)—a distinct advance, an honest and a very considerable advance, in making provision for the education of our children. What did the Bill provide? That every school board, town council, and local authority throughout the country should have the power, if

they thought fit, to apply direct compulsion. It put the 74th section of the Act of 1870 into the hands of authorities now existing—not to be created at a considerable cost, but now existing—and who, from their known capacity for administration and habit of government, might be expected to undertake and discharge strictly the duties imposed on them. The Bill enforced indirect compulsion, for it imposed penalties on the employers of children who were not instructed. It required that children, if they desired to earn wages, should either have obtained a certificate that they had passed a certain Standard, or that they had completed 250 attendances at school during the previous year. It also applied direct compulsion to all children not at work, all children under 10 years of age desirous to work, and all children above 10 years of age found idle or wandering. He therefore claimed for the Bill that the powers which it put into the hands of local authorities were large steps in advance. He had taken a considerable share in the cause of education, and, with all the interest he took in the subject, he should hesitate to take broader, larger, or wider steps at the present moment. In prosecuting the work of education they could only take sure steps by making it quite certain and clear that they were supported by the public opinion of the country. He had heard many hon. Gentlemen and right hon. Gentlemen complain that this was a poor attempt to enforce attendance at school, and that it would not be so effective as direct compulsion. Well, he had ascertained the progress that had been made by a school board in which he took a deep interest some time ago, and which he thought must be admitted to have endeavoured most loyally to carry out the principle of direct compulsion. He had enjoyed the honour of being a member of that Board until he was called to other duties, and there was no part of his official life which was more satisfactory to him than that in which he was engaged in promoting the education of the children of this great metropolis. He claimed that the Board charged with these duties had done its work thoroughly and heartily. Indeed, he ventured to think that some harm had been done to the cause of education by the firmness with which that Board did its work, for it had caused some amount of reaction.

*Mr. W. H. Smith*

It had a right, therefore, to claim the confidence of those who believed in the principle of direct compulsion. Well, what was the result of the efforts of the London School Board to enforce the principle of direct compulsion? In answer to a letter asking for information which he wrote to the Clerk of the Board he received this statement—

“At the last Census the number of children of school age for whom elementary provision should be made in London was 574,693. Allowing for growth of population, we estimate that at Midsummer of this year the number will be 614,670. At Christmas last the total number of school places was 412,259—viz. 288,702 in voluntary schools and 123,557 in new Board schools, or in schools transferred to the Board. The above number (412,259) will be increased to 469,048. In brief, at the present moment for 614,670 children the Board think it necessary to provide 469,048 school places. The average attendance last Midsummer was 287,033, and last Christmas, after a very bad half-year, 288,497. As far as I hear, a very considerable improvement is taking place during the present half-year. The total cost of school visitors for the half-year ending Michaelmas last is £11,260—i.e., about £23,000 per annum. There are ten superintendents and 206 visitors.”

What he wished to point out was that it was admitted that no greater zeal could be shown than had been displayed by the School Board of London and its officers. Taking the years from 1870 to 1875 the attendance had been progressively and rapidly increasing, until it had reached the figures he had just named. What that represented, however, was not an increase in the number of children attending school, but an increase in the attendance at efficient schools, many of the children having previously attended schools which were not looked upon as efficient. It was a singular fact these figures showed that the London School Board, with all its zeal and activity, could not get more than half of the children who ought to be at school in regular attendance. He asked, therefore, if direct compulsion was satisfactory. Had it been absolutely successful, and could they do without that indirect compulsion which the Bill endeavoured to introduce? Last year the London School Board had taken out 4,000 summonses, and there had been 3,700 convictions, and the number of children brought to school by this means was 1,400. The cost of this operation was £11,250, two and a-half summonses having, on the average, to be taken out

in each case, so that the expense of bringing each child to school was about seven guineas. He thought that a case had been made out for some other kind of compulsion than that which was called direct. They might press this instrument as much as they pleased, but if they had an unwilling, a careless, and an indifferent parent, they could only operate upon his sense of personal interest. After a certain point any attempt at direct compulsion became comparatively ineffective. Zealous as he was in favour of compulsion, he was not sanguine that direct compulsion could ever be made sufficiently effective to bring all the children to school. He claimed as one of the great merits of the Bill that it associated early labour with school teaching. He ventured to think that there was considerable value in affording facilities for education concurrently with labour. The Report of the Factory Commission stated that under the Education Act employment was regarded as the enjoyment of a privilege, and that was exactly the principle upon which the Bill was based. It said to a child—"If your parents qualify you to pass a certain Standard, and will insist upon your attending 250 times at school for so many years, then you may be permitted to earn money." Such a provision was of considerable value, because we could not ignore the fact that in this country a very considerable portion of the work which had to be done in life required a previous early training. The child of 13 or 14 years of age who was turned out of school to follow the plough, or to go into the farmyard, or even to undertake any of the ordinary commercial duties, found himself unfitted to compete with those who had commenced their work at an earlier age, and he would be unable to earn his livelihood in a manner that would conduce as much to the prosperity of the country at large as to his own. It was believed in America that the population did not reproduce its own labour; but he could hardly conceive a greater calamity that could happen to any country than that its necessary labour should not be reproduced within its own limits. The object that should be kept in view should be not so much to raise the people out of the position which must be occupied by a very large proportion of the labouring population

of the country as to qualify them to live more happily and more usefully in their various stations in life. He believed that a true education would proceed first of all by developing the intelligence of the working man for his own benefit and that of the State, and then by casting a light into the gloom and the darkness of our cottage homes. He must express a very strong hope that the House would accept the Bill as a firm and large advance in the cause of education—an advance, indeed, quite as great as prudence would admit of our making at the present moment, and as a measure which deserved the recognition and support of the country because it recognized voluntary efforts and made the best possible use of the material ready to hand, and because it refused to listen to the voice of those who said that as they could not agree with the very large number of persons who had made great sacrifices for the cause of education, and who had spent their time, money, and energies in endeavouring to promote education, they would endeavour to exclude them from the work which they had taken up, and would condemn them to a barren and cheerless secular system, which would afford them, perhaps, some instruction and some improvement in the faculties which they possessed for this life, but nothing beyond that.

MR. W. E. FORSTER said, that the hon. Member the Secretary of the Treasury had made a very interesting and practical speech, such as might have been expected from one who had taken so deep an interest in education as he had done. He (Mr. Forster) confessed, however, that he did not think that the hon. Member had answered the arguments of the hon. Member for Sheffield (Mr. Mundella) or of those who supported him. His hon. Friend the Member for Sheffield had not stated that there should not be any indirect compulsion. He was as anxious as his hon. Friend the Secretary of the Treasury that it should be used to supplement what was called direct compulsion, and he (Mr. Forster) had understood the hon. Gentleman to say not so much that the Bill was in favour of direct compulsion as that some of its provisions would be of assistance to direct compulsion. He fully believed they would have such an effect. There were before the House really two Motions—one for the second

reading of the Bill, which the hon. Baronet the Member for Chelsea (Sir Charles Dilke) intended to oppose by a Motion which it was possible the Rules of the House might prevent him from making, although its principle could be debated on the question of the second reading, and also the Motion of the hon. Member for Sheffield. For his own part, he intended to vote for the Motion of the hon. Member for Sheffield, if the hon. Member thought it right to press it to a division, which he thought he would do unless he received some satisfactory assurance from the noble Lord the Vice President of the Council which would render it unnecessary for him to adopt that course. At the same time, however, he should not feel himself justified in voting against the second reading of the Bill, because he trusted that they would be able so to amend it in Committee as to make it effectual as a real progress in education. With the permission of the House, he would state concisely in what respects he desired to see the Bill amended. He was aware that this was a very unusual course to take in discussing the second reading of a Bill; but, at the same time, the noble Lord would feel that as this measure was an Amendment of a previous Act, it was difficult to discuss its principles without dealing with the different proposals embodied in it. He was reluctant to vote against the second reading of the Bill for the reason that he concurred most heartily in the object which the noble Lord had in view—namely, that of securing an increased attendance in schools. When the question of an amendment of the law relating to primary education was mooted in Her Majesty's gracious Speech, those interested in the subject of education were most anxious to know what form the Government proposals would take. No doubt considerable pressure from different quarters had been brought to bear upon the Government in relation to this question. There was an evident desire on the part of many hon. Gentlemen who gave them their political support that the Government should give increased and special help to denominational schools, and also a desire that religious instruction should be given. There was also a more general desire that an attempt should be made to meet the attendance difficulty. He was glad that

the Government had not greatly yielded to the pressure brought to bear upon them on behalf of the first two views, though he was aware that much dissatisfaction had been expressed by hon. Gentlemen sitting opposite with the action of the Government. He did not know whether those hon. Gentlemen had derived much consolation from the speech of the right hon. Gentleman the Secretary for War, but certainly he had objected most warmly to views which nobody had stated, at all events, inside the House, and he was not aware that it was customary for Ministers, on the second night of a debate on the second reading of a Bill, to answer arguments which had been used outside of the House, but which had not been expressed within it. He, however, intended to confine his observations almost entirely to the question of attendance. He was aware that before the discussions of the Bill were concluded the House would have to consider whether in the way in which the noble Lord proposed to amend the difficulty that had been pointed out, with reference to the Nonconformist portion of the population, he had, or had not, acted unfairly towards the school board system which was called into existence by the Act of 1870. The question immediately before them really was, how were the children to be got into the schools, and in dealing with this branch of the question he should—to quote the phrase of his noble Friend the Vice President of the Council—speak primarily in the interest of the children. In doing so, he was much obliged to his noble Friend for having brought the question before them, though he hoped he would allow him (Mr. Forster) to say that he should have put it before the House in a different way. His noble Friend in introducing the Bill affirmed that the schools and the teachers having been provided, all that was required was the children to occupy the one and find employment for the other. The noble Lord followed that by saying that while there was an average attendance in the school of 1,800,000, accommodation for 3,150,000 had been provided, which left it to be inferred that about 1,300,000 children, who ought to be, were not at school. He (Mr. Forster) had no wish to overstate the number, but he thought there could be no mistake in saying that the average attend-

ance, instead of being 1,800,000, was about 2,000,000, or would be up to that number in August next, and he was therefore not clear that 1,150,000 children who ought to be at school were absent therefrom. It must always be necessary to provide for a larger number than could be expected to attend school, and therefore the average number in attendance ought to be between the number of children for whom accommodation had been made and the smallest number in actual attendance. He (Mr. Forster) did not believe that they had all the schools that it was necessary to provide, but they had the machinery at work which was providing all the schools, so that they could apply compulsion. The average attendance being 2,000,000, the number of children upon the register was 2,750,000, at the end of last year. That showed that the great fault was not the absence of the children altogether so much as the insufficient and fitful attendance. The deficiency of average attendance could very fairly be represented by that statement in the Education Report for 1872, that we ought to have an average attendance of 3,000,000, whereas we had only one of 2,000,000. He believed it would turn out that this deficiency of 1,000,000 was mainly in those parts of the country which had not school boards with compulsory bye-laws. That was shown by the returns from Birmingham, Leeds, Sheffield, and Stockport. He would take the Census of 1871. The population was 22,700,000. Of that number 12,500,000 had school boards with compulsory attendance, and there were 10,500,000 with bye-laws. Of that number the metropolis had 3,250,000, and must be considered by itself. They must not suppose that the Act of 1870 had done nothing to increase the average attendance. Since that year it had increased by 684,000, but in the five years before it it was only 304,000. It might be partly owing to new schools, but it was mainly owing to the better attendance brought about by a greater interest in education. He would take Birmingham; the increase there since 1871 in the average attendance was from 16,000 to 40,000; in Leeds from 14,000 to 30,000; in Sheffield from 12,000 to 28,000; and in Stockport they accounted for all the children in the place, although they did not attend regularly enough. If they

had for England and Wales the same average of attendance as there was for Birmingham, Leeds, and Sheffield, instead of having increased the school attendance by 684,000, the increase would have been more than double that. No doubt these towns started from a very bad position; but he would take London. The difficulties in London were enormous. The great population, the great distance of the poor from the rich part of the town, and the want of public opinion working through the City, all made the difficulty of dealing with London vast. But, thanks to the compulsory bye-laws, the increase of attendance was in four years from 174,000 to 288,000; therefore, he thought the London School Board might take heart, though there was a large number of children not in average attendance. If all England and Wales had increased at the same rate the increase of attendance, instead of being 684,000, would have been more than 1,000,000, a more satisfactory result than was found at present to be the case. The hon. Member for Exeter (Mr. Mills), who was also a member of the London School Board, had stated that in London there was a large number of children on the books of schools who were not in regular attendance. Throughout England and Wales the proportion of children in average attendance to those upon the roll for five years was 67 per cent. The proportion for the five years before the passing of the Act was 68 per cent. The proportion in London was 74 per cent. Consequently, London, with all its difficulties, had met these difficulties better than had the country generally, and they might thank the School Board for that fact. To confirm that fact as far as he could, he might mention that taking the increase of the population since the last Census the average attendance at school throughout England and Wales was about, but rather under, 8 per cent of the whole population—in Birmingham and Leeds it was 11 per cent, and if they had all the country over an average of 11 per cent, the proportion now in attendance would be 600,000 more than it now was, and the noble Lord would have had to ask for money not for 2,000,000, but for 2,600,000. If, therefore, the influence of school boards and bye-laws had been generally extended, the half of the present deficit would have been

swept away. Now, how had that success been obtained? By direct compulsion—he was obliged to use that ugly word. And what had been the effect upon the population? He distinctly challenged any of the opponents of that mode of increasing the attendance to bring forward any proof that could reasonably satisfy the House that the public opinion of those places in which compulsion had been at work was not in favour of it. He did not know that any of those who supported the Bill of 1870, himself included, would have been sanguine enough to expect that result. They were sanguine enough to hope that good would be done, but compulsion was one of those interferences with Englishmen, who did not like interference at all, which they could scarcely hope would become popular. Cases of grievance had, no doubt, been cited and relied on, but he really did not think that when they came to be examined into they were cases of real grievance. He would put the matter to this test—Did those who were opposed to the principle of compulsory attendance think there was the slightest chance at any future school board election of a majority being returned which would do away with its application? He was therefore glad that the noble Lord did not meddle with those districts where the bye-laws were in operation. He willingly admitted, however, that to some extent the noble Lord gave some of those districts assistance by prohibiting work up to 10 years of age, and that feature alone in the Bill would make him most reluctant to do anything which would endanger its getting into Committee. But as to the districts in which the bye-laws did not exist the noble Lord created two, or rather three, new educational authorities—the Town Council, the Guardians, and also the committees which might be appointed by them. It was with great regret he heard that the noble Lord only proposed to give those local authorities permissive and not compulsory power to make bye-laws. The hon. Member for Wigan (Mr. Knowles), who knew thoroughly the position of the working classes, was thoroughly opposed to this merely permissive power being given to Town Councils and Boards of Guardians. After the strong argument of the noble Lord at the beginning of his speech, he expected that the “may” would have

been “shall,” and that the Bill would have given the local authority, not only the power to make bye-laws, but would have compelled them to do so. As he had said, he very much regretted it, but he knew he should be told that the great success of the school boards was attributable to their being the representatives of the ratepayers, who had themselves asked for these compulsory powers, and to their being a willing body to put these powers in force, and that it would be a different thing for the noble Lord to impose on the representatives of the ratepayers, for other purposes, a power which they were not called on by their constituents to exercise. There was, he could not deny, some force in that argument, but they had really got so strong in their progress in this matter that they could afford to be bold and to say that, the experiment having succeeded so well, the rest of the country should be called on to follow the example. They must remember that if they did not make bye-laws compulsory, it would be exceedingly difficult for school boards, Town Councils, and Boards of Guardians in small places to establish such bye-laws. Under the Sanitary Acts, it must be remembered, local boards in a voluntary form were established for some time, and when it was shown that it was necessary to have them the Government stepped forward and made them universal throughout the country. He had, he confessed, hoped that they would have had a general provision by Act of Parliament, not only stopping work up to 10 years of age, as the Bill stopped it, but also taking care that there should be only half-time work up to 13, or better still, 14 years of age, with security that sufficient schooling should be obtained by the children. As no general rule could be made to fit all cases, he would have given power to the local authorities to make bye-laws, adapting this general provision to the conditions of employment and the circumstances of the children, which bye-laws might have the sanction of the Education Department. He took it for granted that that was really the meaning of the recommendations of the Factory Commissioners, and it was with that view he should vote for the Motion of his hon. Friend the Member for Sheffield (Mr. Mundella). He was not very sanguine that it would be carried, but he should not give up

*Mr. W. E. Forster*

the Bill because that Motion might be defeated. He trusted that the noble Lord would not allow the Bill to go out of Committee without securing that if there was no work to be done before the age of 10 there should also be schooling up to that age. With regard to the clause requiring the local authorities to see that no child worked between the ages of 10 and 14 without a certificate of efficiency or attendance, he believed that the noble Lord overrated its efficiency and underrated its severity. Much had been said upon the question of compulsion, both direct and indirect, and several hon. Members on the other side of the House appeared to think that indirect compulsion was a less stringent and a more English proceeding than direct compulsion. The more this subject was considered, however, the more it would be found that this was a mistaken view. It was just as great an interference with the liberty of the subject to prevent a child from earning money as to require him to go to school. The noble Lord, moreover, would not avoid domiciliary visits under his labour-pass system, and an Englishman would rather have a visitor coming to his house to tell him—"You had better send your child to school," than to have the agent of the local authority coming and saying—"Your child shall not work." The temptation to use indirect compulsion was, that the employers could be made to a certain extent the police of the State; but by such a system more might be obtained than was wanted. It was not desired that a child should not learn his employment as well as have his schooling. What was really wanted was, not so much that the child should not be able to earn money, as that he should go to school at the same time as he was working until he had had enough schooling. The noble Lord relied upon his certificate of attendance system; but he feared that the certificate relied too much on the foresight of the parent, and there was not much foresight in the parents with whom they had to deal. They were not the *élite*, or even the average, of the working classes, but were persons rather below the average, and they could not be expected to show foresight and resist temptation for four or five years before their children would be of an age to go to work. The penalty for the absence of the certificate was so

severe that he did not believe it could be enforced. It reminded him of one of many suggestions, all equally impracticable, made to him when he was trying to pass the Act of 1870. A gentleman wrote to recommend that as so many persons married who were unable to sign their names, it was desirable, in order to promote education, to enact that no person should be allowed to marry who could not sign his or her name. He did not attempt to pass such a clause, because he thought that compulsory celibacy would have its disadvantages. In the same way compulsory idleness might have its disadvantages. Take the case of a child of 10 or 12 years of age, whose education had been neglected. This child would not be able to produce the certificate of proficiency, and might not have complied with the rule of five years' attendance. By the terms of this Bill that child would not be allowed to work, and to the calamity of ignorance there would be added in his case the further calamity of idleness. He doubted whether public opinion would go with the Legislature in enforcing such a law, and any amount of direct compulsion and domiciliary visits to warn parents that they were transgressing the law would be better than such a state of things. He believed, indeed, that the proposals in the Bill could not be carried out, and that the Education Department would be driven back to supplement indirect by direct compulsion. When the noble Lord came to his clause for direct compulsion a curious difference between that and the labour-pass was observable. The latter was severe and stringent enough for anything, but the former was a half-hearted law, which was entirely open to the objection of the hon. Member for Wigan. It said that the Town Councils and the Boards of Guardians "may," and not "shall." When they had to deal with the children they were to do exactly as they pleased. It was not their duty to find out the facts, but they were bound to hear the representations made to them, and if they thought it expedient to act they might do so. This meant that, unless these bodies chose to carry the Act in force, they need not do so. He was aware there was another provision which some had described as a very powerful one, to the effect that if the local authorities chose to make it appear that these



children were idle and likely to be "wastrels," they might be taken before the magistrates, and the magistrates, having the fullest discretion given them, if they thought fit, might send them to an Industrial School. Now, if that were to be the general result of what was to happen, it would be far too strong a measure. He did not think the State had a right to take hold of these children and say that they should associate with the general run of the children that got into the Industrial Schools. The punishment was too great in that way; while, on the other hand, he was alarmed in another way, because it would be a great temptation to parents to allow their children to go to an Industrial School, where they would not only be educated, but fed and clothed, at the expense of the State. No doubt, power was taken to recover the cost from the parent; but it would be difficult to compel the payment, and he feared that a great number of these parents would yield to the temptation of allowing their children to be maintained at these schools. The provisions of the Act, moreover, would destroy the discipline of these schools, which were now doing a good work. With regard to the enforcing authority, the noble Lord gave power for certain purposes to new authorities—the Town Councils and the Boards of Guardians, or to committees appointed by them. He was aware he was treading on tender ground, because this subject would have to be discussed on the Amendment of his hon. Friend the Member for Merthyr (Mr. Richard). He feared they could not establish school boards throughout the country at present; but he, for one, looked forward to the time when that could be done. He believed it would be better for the cause of education that there should be an elective body especially empowered to look after the education of the children. The hon. Member for Birmingham (Mr. Dixon) had stated in his remarkable and interesting speech that the great fault he found with the Bill was, that it did not give power to the Town Councils and Guardians to supply schools. He could not refer to that speech, as it was, perhaps, the last they would hear from his hon. Friend for some time, without bearing testimony to the earnestness with which he had dealt with this question, showing how much he had the cause of education

at heart; and whatever his own views were, how anxious he had always been to make every allowance for those who differed with him. Still he must say he did not think it would be advisable to give the new authorities the power of supplying schools. He strongly suspected that, if this power was given to the new authorities, it would give rise to bodies antagonistic to school boards, and strike a serious blow at the school board system. At that point they were met with the greatest administrative deficiency in this country—the want of rural municipalities as they had in the United States, in our own Colonies, and in some parts of the Continent, we should have a body to which we could at once entrust this power. It was a remarkable fact, however, that although there were such municipalities in the United States and Canada, they found it more convenient in those countries to have a special body elected for educational purposes. No doubt there were objections to the Boards of Guardians. It was not well to associate them with education more than we could help, connected as they were with the administration of the Poor Law. The mode of their election, too, by voting papers was about the worst we could have. However, the power of the ratepayers would still continue of electing a school board, if they wished to have it. Though magistrates were very fit men to be put upon school boards, he would rather that they were placed there by the choice of their neighbours. If, however, the Guardians or Town Councils were to have these duties imposed upon them, they ought not to be allowed to shirk or transfer them; and, therefore, he hoped that the clause which enabled them to delegate their duties to irresponsible committees would be omitted. Of course, if the powers were delegated, it would be to the managers of the National School in the parish, who, however fit, ought not to be thus appointed, for their selection by the Board of Guardians would be practically self-election. It must be remembered that ever since 1870 it had been generally considered to be quite clear that the managers of voluntary schools could not be invested with the power of compelling attendance at their own schools. There was great difficulty in enforcing compul-

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sion where there was not a choice of schools, and with regard to the choice on the part of the parent, he had always maintained that the parent, especially the Nonconformist, ought to be allowed to select the school to which he wished to send his children, wherever it was possible to do so. But there were cases in which he could not make that choice, because there was only one school, and then the only question to determine was, whether the child should be taught or remain untaught. When, therefore, he was driven to that alternative, he would say, let the child go to the school, and let the parent rely upon the Conscience Clause. The feelings of the parent ought not to be considered so far as to let a child grow up in utter ignorance, but the matter ought to be made as easy for him as possible; and we ought to remove not only injustice, but the fear of injustice and the expectation of it. Therefore, he hoped the noble Lord would not persist, when the child of the Nonconformist could earn a labour pass only at a Church school, in giving compulsory powers to these committees, but would entrust them to the elected bodies, to whom in the first instance the Bill gave those powers. He admitted that many managers of voluntary schools were doing their work well, and on Saturday last he conversed with one whose attendance was  $12\frac{1}{2}$  per cent out of a population of 650; though he was a clergyman he did not teach the Church Catechism except on Sunday, and such a man, no doubt, was one of the best to have to do with education; but under the operation of this Bill he would probably join the Board of Guardians for the purpose of carrying out its provisions. With regard to the clause for giving greater help to denominational schools in "poor districts," it was true that by its wording this clause did not apply merely to denominational schools, but to all the schools in those districts, but he had no doubt that the aid would be larger in the case of the denominational schools than in that of other schools. As to the amount of this, he thought the noble Lord went too far in saying that where a school had not £20, it would get £30 or something like that. The fact was, that in this respect the Bill merely removed a possible deduction from the grant, and did not add to the grant. The late Government, in framing the

Act of 1870, put in a clause providing that grants from the taxes were never to exceed the income from the localities. If the grants earned by schools did so exceed the contributions by the localities, then there was a deduction made, and that amounted last year to less than £30,000. The present clause said that, in some districts, the deduction was not to be made; but although he thought that the immediate effect of the clause had been exaggerated, yet he sincerely trusted that the Government would not persist in it and that the House would not accept it. He considered that a great principle was involved in the rule that the grants from the taxes should not exceed the income from the localities, and he believed that it would be impossible to carry out the clause without breaking down that rule altogether. The Government probably were not aware how far their proposition would extend. He had a Return moved for by the hon. and learned Member for the University of Dublin (Mr. Gibson) for another purpose. It gave the population and the rateable value of 49 of the largest boroughs. Thirty-five of these would come distinctly under the clause as poor districts, and parts probably of the other 14. Nottingham, Sheffield, Birmingham, and Leeds would be under the clause poor boroughs, and Warwick, Shrewsbury, and Bradford rich ones. If an average were taken of all these 49 boroughs, they would all be poor districts under the clause. The rule would, therefore, have to go if the clause was adopted, and it was important that it should not go. Their Education Estimates increased very fast. The annual grant for day schools had grown in a short period from £500,000 to about £1,500,000. They did not grudge that increase, but they ought to be quite sure that they got efficiency with it, and kept proper checks upon it, and no check was more valuable than requiring that for every shilling given from the taxes an equal sum should be given by the locality. If that were not done, he believed it would injure the schools themselves, because they would rely on the Government grants and care little about results, provided they were enough to secure those grants; and eventually large sums of money would be granted by the House, which would not be met equally by the

locality, and the latter would be spending the State money with the usual result of great extravagance and recklessness. The result would be, that in order to prevent such a contingency they would require a system of centralized control and management. There were several Amendments of great importance which would come before the Committee. The first was that of which he had given Notice—namely, that there should be inserted in the Bill a similar declaration to that in the Scotch Act, that it “is the duty of every parent to provide education for his child.” He had two reasons why that ought to be done. In the first place it was what both the country and the parents themselves expected; and then it would not be acting fairly to the school boards to omit this declaration. Those school boards had a difficult task—it was even surprising they were not more unpopular—and the House ought not to weaken their hands as the omission of this declaration would weaken them. The right hon. Gentleman the Secretary for War asked what was the use of putting this declaration in the Bill if nothing would follow from it; but he (Mr. Forster) would insert it before the 7th clause, and let something follow from it, so as to make it a reality. The second Amendment he wished to see adopted was one providing that if they so interfered with the employer and parent as not to allow a child to work up to 10 years of age, they would at least see that the child went to school under 10 years of age. The third Amendment he hoped to see adopted was, that they would not absolutely rely on the certificate or the labour pass, but that after the child was 10 years old they should aim at half-school and half-work for him up to 14. In the next place, they would have to consider the restrictions in regard to bye-laws, by which Guardians were allowed to act only on the requisition of the ratepayers. That provision must have got into the Bill by mistake. He could not conceive why Guardians should not have the same power as Town Councils. In his opinion it would be better that they should have liberty to act without a requisition. There were several other details which would properly come under consideration in Committee, such, for instance, as the one relating to poor districts. He also had much doubt with regard to the pro-

vision for free passes, which might practically result in free schools, and demands upon the public purse which would make the hair of the Chancellor of the Exchequer to stand on end if he knew what it rendered possible. He must confess that if the Bill were to pass exactly as it stood, he should hesitate to vote for its second reading—he should feel some doubt as to whether it would not be better to wait for a less objectionable measure, or have no legislation at all. But the House was not driven to that alternative. The noble Lord had very frankly expressed his willingness to accept or consider Amendments, and it would, therefore, be prejudicial to the cause they all had at heart not to allow the Bill to go into Committee. Meanwhile, they had the Amendment of the hon. Member for Sheffield before them. It was not in opposition to the Bill, but was only a good preparation for Committee, and, therefore, he should vote for it.

VISCOUNT SANDON observed that he had no cause to complain of the reception the Bill had met with from the House during the two evenings the debate had occupied. He had invited free discussion of its provisions and had promised that all Amendments that were proposed should receive the fullest consideration. When he introduced the measure he was well aware of the complex character of the work he had in hand, but he was comforted by the reflection that it would not be discussed in a Party spirit. Of course it could not be expected at the present moment that the Government should state what Amendments they proposed to accept. He might say at once, however, that the broad features, the general principles of the Bill would necessarily remain unaltered. With the details it was different. Any Amendments which were calculated to make the measure more effective or to remove any sense of wrong or animosity which might have been created would be willingly accepted by the Government, or at least considered in the most favourable way. It would be highly inconvenient to enter into a discussion as to the details of the Bill, and he would therefore merely refer to the leading suggestions that had been made, and state why the Government could not accept the Amendment of the hon. Member for Sheffield (Mr. Mundella). The

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hon. Member objected to Boards of Guardians being the authority to carry out the Act; but he (Viscount Sandon) would ask what other local authority could be found in the country districts? Supposing a second Board had to be formed, the same materials as those forming the Boards of Guardians would have to be taken. All the criticisms on that point came to this—Why should not school boards be substituted for Boards of Guardians? He hoped, however, the House would agree not to discuss the question of universal school boards. In connection with that subject, he might say he was very sorry to hear the remarks made by the hon. Member with regard to the members of the Boards of Guardians, the *ex officio* members especially the magistrates and the clergy. He thought it was a bad omen for their debates on this question, that the first hon. Member opposite who rose to discuss the Bill should have made observations which he knew would touch to the quick hon. Members on that (the Conservative) side of the House. He should like to ask the hon. Member who it was that had contributed the money already expended on the education of the people? £13,000,000 had been spent on voluntary efforts, a great portion of which, no doubt, was spent in the towns, but a great deal also in the country. Who supplied those funds, if the country gentlemen, and farmers, and members of Boards of Guardians abstained from contributing? He trusted to hear no more attacks of that kind on the Boards of Guardians. The right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) whose remarks he had listened to with great respect, said that the proposals of the Government with reference to bye-laws were as weak as water. Well he (Viscount Sandon) did not quite understand that criticism, because the Government had put the local authorities in the same position as that occupied by the school boards under the Act of 1870. Exactly the same people as got bye-laws passed under the Act of 1870 were to have power to pass bye-laws under the Bill. They thought it right to follow the lines of the Act of 1870, and to give the rate-payers the power to assemble and pass a resolution calling on the local authority to adopt direct compulsion. The hon. Members for Sheffield (Mr. Mundella)

and Poole (Mr. Ashley), the noble Lord the Member for the West Riding of Yorkshire (Lord Frederick Cavendish) and the right hon. Member for the University of Edinburgh had contended that there was no security in the Bill for enforcing instruction in certain cases before or after 10 years of age. That was a serious charge, and if it really were so he confessed it would be a great blot on the Bill, for if they forbade all labour up to 10, and then at 10 said to the child—"If you have not reached a certain stage of intellectual instruction you shall not go to labour," they should be doing a very bad turn for the children of the country. If a child spent the years up to 10 in idleness and began his intellectual instruction at 10, he would be thrown upon the world at 14 with little education and a bad labourer, because he did not begin to toil early enough. He must, however, call attention to the 7th clause, which was intended to be a stringent one, whether it succeeded or not. The intention of the clause was that no child from 7 to 10 should be able to be continuously and without reasonable excuse kept away from instruction of some kind or other. It was intended, if he was not sent to school continuously—if he were habitually neglected by his parents, that then the strong compulsory powers should come into operation, and the local authority was empowered to force the parent to send him to school; and afterwards, supposing at 10 years the child did not get his certificate, the same clause would apply. The clause gave the power of direct compulsion in a way which he believed would be satisfactory to the country, and he trusted that all the employers of labour in the country—the merchant and the manufacturer, as well as the country gentleman and the farmer, would join heart in hand with them in seeing that there was no continuous, habitual, and unreasonable neglect, and would also join heart in hand in seeing that no child after it got its intellectual pass should be allowed to run wild in the streets, instead of being at labour. Some hon. Members thought the Act would not be carried out; but they forgot that there was a stringent clause which gave the Education Department the right to supersede any local authority which did not discharge its duty. The Department had the power to send

down two agents of its own to any locality, to pay them out of the rates, and to keep them there two years, in order to see that indirect compulsion was strictly carried out in that locality. He should have thought, if there had been any fear about the matter, it would have been that their Bill was too strong. If, however, the words of the clause were found too feeble, they might be strengthened with advantage; but he should have thought there was scarcely a loop-hole through which a child could escape. He had been told compulsion had failed in the Mines Act and in the Agricultural Children Act. The answer to that was, that there they had no enforcing authority, but here they had a stringent enforcing authority. The hon. Member for Birmingham (Mr. Dixon) was opposed to several of the leading provisions of the Bill, among others, he said he was against the payments proposed to be made to "poor district" schools. Whether they would succeed in that respect he (Viscount Sandon) could not at present say. Now there was extreme difficulty in hitting off what was a "poor district" school, but he adhered to the view that it was unjust, because a district was poor and and could get but little local help, it should therefore be deprived of the Government grant. He thought the principle on which he had gone was a sound one. The hon. Gentleman went on to say that he would gladly accept the local authority proposed, if they gave them all the powers of school boards. That was a very serious matter, and he should entirely demur to the proposition that Boards of Guardians were fit to be the managers of schools and to carry out all the work of education. Then there was the solemn threat of the hon. Member—which was a serious matter coming from him—that if the Bill were carried they must be prepared to have a great agitation throughout the country which would result in the establishment of unsectarian schools in every school district. Surely that opened up quite a new view of the case, and different from that taken by the hon. Member in his Bill for universal school boards and universal compulsion. The hon. Gentleman said, in speaking on the 9th of June last year—

"Let it be clearly understood that, in all those districts where there is a sufficiency of

school accommodation, my Bill will have no operation except to enforce compulsion. I only ask that, in addition to what is at present insisted upon by the Act of 1870, school boards shall be formed in those districts where there is already a sufficiency of school accommodation—that is, where voluntary schools, which are mainly Church schools, cover the ground, and where, therefore, a board school will not be required."—[3 *Hansard*, cccxiv. 1572.]

The fact was that the Bill of the hon. Member for Birmingham was supported by the whole of the Nonconformists; it proposed direct compulsion—that you should not build another additional school, but force the children into the existing Church schools; and yet the Government were now told by the hon. Gentleman that the present measure did exactly the same thing, though through the agency of the Boards of Guardians, and that there was to be an agitation throughout the land against its provisions, and that they would be obliged to build unsectarian new schools in every town. He could not understand the position taken up by the hon. Gentleman or the Nonconformists. He could not, however, help hoping that wiser councils would prevail, for the hon. Gentleman and his Friends must feel that the measure of the Government was framed in no sectarian spirit. He, at all events, in the speech which he made in introducing it, avoided saying anything which could excite the slightest feeling on their part, and he contended that the position which they appeared to be about to take up was totally untenable. There was another important point which had been touched upon in the course of the debate—he referred to that which related to the Industrial Schools. So far as they were concerned, the question involved was one which would of course require a great deal of discussion in Committee. He adopted the Industrial Schools, but hon. Gentleman must be aware that when a certain point in compulsion was reached, their action was liable to be absolutely foiled. It was impossible to fine and fine *ad infinitum*, and it was equally out of the question to imprison. The Government were therefore of opinion that some handling of Industrial Schools in the matter might be found to be very useful. It might, however, be matter for consideration, though the Government had formed no opinion on the point, whether some modifications with respect to those schools might not

*Viscount Sandon*

be introduced into the Bill. The truth was that the subject was one in which every alternative treatment possible must be adopted. One mode of treatment would not suffice, and it was necessary that they should have many strings to their bow, because they had to deal with a multitude of evils. Hon. Gentlemen, he might add, on both sides of the House, including the hon. Member for Berkshire (Mr. Walter), the hon. Member for Manchester (Mr. Birley), and some others, had made speeches which were highly favourable to the Bill. The hon. Member for Maidstone (Sir John Lubbock) too, though he criticized some of its provisions, showed he entertained a warm feeling for it, as well as the right hon. Gentleman the Member for the University of Edinburgh. The hon. Member for Roscommon (the O'Connor Don) had raised a point about which there was considerable difficulty, but that difficulty could be met by insisting that schools which were not public elementary schools should submit to a rigid inspection, while he could assure him that there was no intention of inflicting a wrong on any denomination. It would, however, be impossible to allow attendances at non-efficient schools to pass. The objection of the hon. Gentleman was, at the same time, one which he quite admitted was well deserving of consideration. As to the objection raised by the hon. Baronet the Member for Maidstone, with respect to the attendance, that also he admitted would be a great blot on the Bill, if it could not be met; but he must confess he saw no danger of girls slipping out of its meshes. The conditions as to labour would, he thought, meet their case as well as that of the boys, as the clause dealing with the matter was intended to be very stringent. He regretted, he might add, that the House was not fuller when his hon. Friend the Member for South Norfolk (Mr. Clare Read) made his long and able speech. He could not sufficiently admire the generosity with which the hon. Gentleman said that he would even rejoice that his own Bill should be repealed, and as there was nobody more conversant with the wants of the country, and nobody more anxious that its children should have education, his testimony in favour of the measure of the Government was most valuable. He would not,

however, on the present occasion enter into the details raised by his hon. Friend, nor could he give any pledge on the part of the Government with respect to them. A great number of important matters had also been raised by his right hon. Friend the Member for Bradford (Mr. W. E. Forster), which it would, he thought, be on the whole wiser not to deal with at present. There were figures, which he hoped to give when proposing the Estimates, but which did not affect the Bill. His right hon. Friend went on to say that he thought he (Viscount Sandon) overrated the labour part. He would remind the House that under the right hon. Gentleman's own Act a child could not go to school without a certificate; but, at present, the parent alone could be prosecuted, and not the employer who employed an uncertificated child. He hoped the present Bill would prove still more efficacious. Then with regard to the enforcing authority, he saw that the right hon. Gentleman still had a weakness for universal school boards. Well, the Government could not go with him to that extent. That subject must, as far as the present Government was concerned, be considered closed. The Government believed that the proposed enforcing authority represented the people thoroughly, and it became a matter of over-sensitiveness to say that that authority must in no way be connected with the management of schools. If we were to ostracize the managers of all the existing schools in country places we should be shutting out the best people who cared for education, and who were the most likely to get the children into the schools. He would now rapidly run over his objections to the proposal of the hon. Member for Sheffield. The point which the hon. Member raised was, as to whether it was wise that we should put the whole of our working population into bondage as to the daily attendance of their children, because some of their number were indifferent and negligent. The hon. Member for Hastings (Mr. Kay-Shuttleworth) had asked why Parliament should not do the forethought for the parents? That was exactly the thing which the Government objected to, for they did not think it right or healthy that Parliament should do the forethought for the parents of the country. They held that to be one of the false principles of legislation, which

was doing a great deal of harm in the present day, when Parliament was asked to do the forethought of the people in regard to food, drink, and morals. The House must not be led by the hon. Member for Sheffield into this most dangerous course. The issue was a broad and a clear one. It was not a question of a little more of direct or a little less direct compulsion. The question was, whether we should put the honest, laborious, and duty-doing parents into bondage for the sake of the negligent ones. Direct compulsion meant that so many attendances at school should be necessary, and that the not keeping them was a crime. The Factory Acts Commissioners, of whom he wished to speak with the greatest respect, made a recommendation of a system of direct compulsion such as existed nowhere else. They said that the attendance at school of all children ought to be compulsory up to the age of 13, and they recommended a full-time attendance of five hours daily, or of 25 hours a-week and half-time besides. If, however, this recommendation were compared with the English Act of 1870 and the Scotch Act, it would be found to be much more stringent than anything already enacted. The right hon. Gentleman the Member for Bradford stated that there were very few children absent from school in places where school boards existed. But the fact was that in London there were something like 180,000 children not in attendance at school, 25,000 at Liverpool, something like 16,000 at Birmingham, and a large deficiency in all other school board places. He believed, however, that under the proposed system of indirect compulsion the number of attendances would be greatly increased. The Ragged School Union had ascertained that there were a very large number of children in the streets during school hours. When they saw the agents of the society taking notes, the children imagined they were school board people, and rapidly disappeared; but when, soon afterwards, a Punch and Judy was sent into the district, the streets swarmed with them again. He thought that all these stories about the completeness of the work done by the school boards must be received *cum grano*, and it was at least open to doubt whether the school boards were doing their work so thoroughly and efficiently as had been

stated. Some interesting remarks upon the subject would be found in the Reports of the Inspectors, which would be in the hands of hon. Members in a few days. He himself only saw them a few days ago, after the present measure had been prepared. One of the ablest of the Inspectors, speaking of Gloucestershire and Somersetshire, Mr. Moncreiff, said the action of the school boards had done little or nothing to prevent irregular attendance; and, comparing the country districts without school boards with the towns, he stated that the percentage of the attendances in Gloucestershire was to the city of Bristol as 15·6 to 10. Yet the same gentleman admitted that the Bristol School Board was by no means a bad one. Next came the evidence of Mr. Wilkinson, another Inspector, who was familiar with Staffordshire. This gentleman said that the action of the school boards had in some respects tended to increase the difficulties of education, because parents now sought to send their children only just often enough to avoid being summoned. Direct compulsion, therefore, was not as easy as it was represented to be. Every means should be used for procuring the attendance of the children, instead of confining ourselves to one means, and we should not use a pressure which in the long run might retard instead of promoting the end they all had in view. If labourers and artisans were so greatly in favour of compulsion why did they not vote for it in their several districts, and why was it necessary in every school board district to have such armies of visitors to force their children to school? The greatest caution was necessary when you interfered with the poorest of the population, lest by suddenly cutting off the earnings of their children, upon which they in part depended, you should produce a dangerous reaction against the education you sought to give. He was not alone in this view, which was sometimes supposed to be confined to benighted Tories, country gentlemen, or clergymen, who knew nothing of these matters. Canon Norris, who for 15 years was one of the best Inspectors of the Education Department, was earnest in pressing forward indirect compulsion, but in his book, *The Education of the People*, he said—

“When I hear politicians invoking a system of compulsory education as the panacea for all

our social evils, I often wish I could take them into one of our poor village homes and let them there try to work out their plan for a single week. Go into any one of those cottages where there are two or three children between the ages of 9 and 12. They are returned in my political friend's statistics as 'idle,' being 'neither at school nor at work.' But what is the fact? They are as indispensable to the home life of that cottage as if they were earning 3s. or 4s. a-week. One is going errands, most necessary errands, with the father's meals, to the apothecary three miles off, to the village shop. Another collects half the fuel they use, or acorns for the pig, or manure for the garden, and all in their turn 'mind the house,' 'mind the fire,' 'mind the baby while the mother is out.' We must think twice or thrice before we roughly try to apply compulsory school attendance to such a home as that. To require those parents to give up their children's services would be simply tantamount to requiring them to keep a servant girl, at a cost of 2s. 6d. a-week, out of an income of 12s. a-week."

The late Prince Consort, in 1857, thus treated the same topic—

"What measures can be brought to bear upon this evil (of non-attendance at school) is a most delicate question, and will require the nicest handling, for there you cut into the very quick of the working man's condition. His children are not only his offspring to be reared for a future independent position, but they constitute part of his productive power, and work for him for the staff of life. The daughters especially are the handmaids of the house, the assistants of the mother, the nurses of the younger children, the aged, and the sick. To deprive the labouring family of their help would be almost to paralyze its domestic existence."

Such an opinion, coming from one intimately acquainted with the domestic life of Germany, and with its school regulations, was well deserving of consideration. As to the Amendment, the Government must once for all decline to adopt it, and thereby to put the labouring population in leading-strings as to the daily life of their children. The Bill might be amended in various ways. It might be desirable to put in some declaration of the parent's duty, though general declarations of this kind appeared almost useless in the face of the Preamble. Considered as a whole, the Bill would alter the position of all the parties concerned towards education. The negligent parent, who now kept his child at work, would hereafter find the greatest difficulty in getting work for him without education. The employer who now tried to get the child to work for him, would thus find it his interest

to educate the child with this view. This important change would be secured by the Bill. To sum up, school boards would be kept exactly as they were, with the same functions, but with the enormous assistance of indirect compulsion. Local authorities everywhere would be armed with the power of protecting children from the negligence of parents or the pressure of employers. Then a strong pressure would be kept on the local authorities themselves, through the power of the Education Department to declare them in default if they did not do their duty, a power which might be set in motion by the Inspectors or by other complainants. Then there was direct compulsion if the locality desired it, just as in the case of school boards at present, and, again, there was the labour pass. He believed the parent would not like to risk the loss of the child's labour when the time for it would come, because the child did not make all the attendances. And next we had the very strong clause which dealt with negligent parents and wastrel children. Well, then, we had got simplicity of working in the Bill. All the parent had to do when he wanted to send his child to labour was to present a pass, and all the employer had to do was to ask whether the child had got one, for as the age would appear upon it there would be no further difficulty. Then we had the dunce pass, the standard pass, and the honour pass; and in that way emulation among the children was provided for. Very little persuasion would be necessary to induce the child to attend regularly and do its work well. Another advantage was the concentration of duties upon existing authorities, the object being to throw as much work upon them as they would be able to perform efficiently, and as would add to their dignity without multiplying local bodies. In that way were combined economy with efficiency. Another point of great importance was that private adventure schools, which were the curse of the country, would be very quietly, and almost insensibly got rid of. The parent would not send his child to a school where he might not get sufficient education to pass the Standard, and besides, where attendance would not count. Lastly, the great reaction against our educational system would be avoided. ["No, no!"] Yes, direct compulsion



had been pressed as far as it could; people were beginning to rebel against it, and unless by this measure we anticipated the growing dissatisfaction, that dissatisfaction might prove dangerous. Theorists might consider the measure illogical, half-hearted, insufficient. These were some of the epithets hon. Gentlemen opposite thought fit to apply. It was quite time the Government had been asked by some of the members of the Birmingham League to take courage and do their bidding. Some of the extreme friends of voluntary schools had also told them to take courage, do their bidding, and repeal the Act of 1870. As to taking courage to do the bidding of the League, all the electors throughout the country had told the League that the country was not with them. As for some of the entreaties of his hon. Friends who took an opposite view, there was no sufficient sign that the country was with them to justify any Government in taking up the conclusions they advocated. The Government, in his opinion, might rest with confidence upon their measure while they had the good opinion of such men as the hon. Member for Berkshire, the right hon. Member for the University of Edinburgh, and the hon. Members for Manchester, Exeter, and Norfolk, who had all acknowledged the vigour of this Bill; and it had been acknowledged in other quarters too. Because if that Bill was that weak and inefficient measure which some people pretended, why did the hon. Member for Merthyr say it was going to occasion a revolution? He quite admitted that the measure was cautious and moderate. He, for one, charged with the responsibility of the Department to which he belonged, would be sorry if he brought forward a measure which was not cautious, and which did not err, if anything, on the side of moderation, when he knew the enormous interests at stake. The Government offered, then, to the sober sense of Englishmen, not to the theorists, the members of the League, or to the extreme partizans on either side, a measure which was consistent with the freedom of Englishmen, and with the freedom of individuals, but which, while consulting that freedom, would show no mercy to the wrong-doer who injured his child by depriving him of the education to which he was entitled, and he believed that

the effect would be that in a few years not a child in the country would be without a sound education.

Question put:—

The House divided:—Ayes 309; Noes 163: Majority 146.

#### AYES.

Adderley, rt. hn. Sir C.	Cole, Col. hon. H. A.
Agnew, R. V.	Colebrooke, Sir T. E.
Allen, Major	Collins, E.
Allopp, C.	Coope, O. E.
Allopp, H.	Corbett, Colonel
Anstruther, Sir W.	Cordes, T.
Antrobus, Sir E.	Corry, hon. H. W. L.
Archdale, W. H.	Corry, J. P.
Arkwright, A. P.	Crichton, Viscount
Arkwright, F.	Cross, rt. hon. R. A.
Ashbury, J. L.	Cubitt, G.
Astley, Sir J. D.	Cuninghame, Sir W.
Bagge, Sir W.	Cust, H. C.
Bailey, Sir J. R.	Dalkeith, Earl of
Balfour, A. J.	Dalrymple, C.
Barne, F. St. J. N.	Denison, W. B.
Barrington, Viscount	Denison, W. E.
Barttelot, Sir W. B.	Dick, F.
Bates, E.	Dickson, Major A. G.
Bateson, Sir T.	Digby, hon. Capt. E.
Bathurst, A. A.	Disraeli, rt. hon. B.
Beach, rt. hn. Sir M. H.	Duff, J.
Beach, W. W. B.	Dunbar, J.
Bective, Earl of	Dyott, Colonel R.
Bentineck, rt. hn. G. C.	Eaton, H. W.
Beresford, G. de la Poer	Edmonstone, Admiral
Beresford, Colonel M.	Sir W.
Birley, H.	Egerton, Sir P. G.
Blackburne, Col. J. I.	Egerton, hon. W.
Boord, T. W.	Elliot, Sir G.
Bourke, hon. R.	Elliot, G. W.
Bourne, Colonel	Elphinstone, Sir J. D. H.
Bousfield, Major	Errington, G.
Bowyer, Sir G.	Eslington, Lord
Brady, J.	Ewing, A. O.
Bright, R.	Fellowes, E.
Broadley, W. H. H.	Finch, G. H.
Brooks, W. C.	Floyer, J.
Bruce, hon. T.	Forester, C. T. W.
Bruen, H.	Forsyth, W.
Brymer, W. E.	Foster, W. H.
Bulwer, J. R.	Fraser, Sir W. A.
Burrell, Sir P.	French, hon. C.
Butler-Johnstone, H. A.	Freshfield, C. K.
Buxton, Sir R. J.	Gallwey, Sir W. P.
Cameron, D.	Galway, Viscount
Campbell, C.	Gardner, J. T. Agg-
Cave, rt. hon. S.	Gardner, R. Richard-
Cecil, Lord E. H. B. G.	son-
Chaine, J.	Garnier, J. C.
Chaplin, Colonel E.	Gibson, E.
Chaplin, H.	Gilpin, Sir R. T.
Charley, W. T.	Goddard, A. L.
Christie, W. L.	Goldney, G.
Clifton, T. H.	Gooch, Sir D.
Clive, hon. Col. G. W.	Gordon, Sir A. H.
Close, M. C.	Gordon, rt. hon. E. S.
Clowes, S. W.	Gordon, W.
Cobbett, J. M.	Gorst, J. E.
Cobbold, T. C.	Goulding, W.

Viscount Sandon

Grantham, W.  
 Greenall, Sir G.  
 Greene, E.  
 Gregory, G. B.  
 Grey, Earl de  
 Hall, A. W.  
 Halsey, T. F.  
 Hamilton, I. T.  
 Hamilton, Lord G.  
 Hamilton, hon. R. B.  
 Hamond, C. F.  
 Hanbury, R. W.  
 Hardcastle, E.  
 Hardy, rt. hon. G.  
 Hardy, J. S.  
 Harvey, Sir R. B.  
 Hay, rt. hon. Sir J. C. D.  
 Heath, R.  
 Helmsley, Viscount  
 Henry, M.  
 Hermon, E.  
 Hervey, Lord F.  
 Heygate, W. U.  
 Hick, J.  
 Hildyard, T. B. T.  
 Hill, A. S.  
 Hinchbrook, Visct.  
 Hogg, Sir J. M.  
 Holford, J. P. G.  
 Holker, Sir J.  
 Holmesdale, Viscount  
 Home, Captain  
 Hood, hon. Captain A.  
 W. A. N.  
 Hope, A. J. B. B.  
 Hubbard, E.  
 Hubbard, rt. hon. J.  
 Hunt, rt. hon. G. W.  
 Isaac, S.  
 Johnson, J. G.  
 Johnston, W.  
 Jones, J.  
 Kavanagh, A. MacM.  
 Kennard, Colonel  
 Kennaway, Sir J. H.  
 Knightley, Sir R.  
 Lacon, Sir E. H. K.  
 Lawrence, Sir T.  
 Learmonth, A.  
 Lee, Major V.  
 Legard, Sir C.  
 Legh, W. J.  
 Leighton, S.  
 Lennox, Lord H.  
 Leslie, Sir J.  
 Lewis, C. E.  
 Lewis, O.  
 Lindsay, Col. R. L.  
 Lindsay, Lord  
 Lloyd, S.  
 Lloyd, T. E.  
 Locke, J.  
 Lopes, H. C.  
 Lopes, Sir M.  
 Lowther, hon. W.  
 Lowther, J.  
 Macartney, J. W. E.  
 Mac Iver, D.  
 M'Kenna, Sir J. N.  
 Majendie, L. A.  
 Makins, Colonel  
 Malcolm, J. W.  
 Manners, rt. hn. Lord J.

Marten, A. G.  
 Maxwell, Sir W. S.  
 Merewether, C. G.  
 Milbank, F. A.  
 Mills, A.  
 Mills, Sir C. H.  
 Monckton, F.  
 Montgomerie, R.  
 Montgomery, Sir G. G.  
 Moore, A.  
 Moore, S.  
 Morgan, hon. F.  
 Morris, G.  
 Mulholland, J.  
 Muncester, Lord  
 Murphy, N. D.  
 Naghten, Lt.-Col.  
 Newdegate, C. N.  
 Newport, Viscount  
 Noel, rt. hon. G. J.  
 North, Colonel  
 Northcote, rt. hon. Sir  
 S. H.  
 O'Brien, Sir P.  
 O'Byrne, W. R.  
 O'Clery, K.  
 O'Connor, D. M.  
 O'Connor Don, The  
 O'Gorman, P.  
 O'Keeffe, J.  
 O'Neill, hon. E.  
 Onslow, D.  
 Paget, R. H.  
 Parker, Lt.-Col. W.  
 Pateshall, E.  
 Peek, Sir H.  
 Peel, rt. hon. Sir R.  
 Pell, A.  
 Pelly, Sir H. C.  
 Pemberton, E. L.  
 Pennant, hon. G.  
 Peploe, Major  
 Percy, Earl  
 Phipps, P.  
 Plunket, hon. D. R.  
 Plunkett, hon. R.  
 Polhill-Turner, Capt.  
 Powell, W.  
 Power, R.  
 Praed, C. T.  
 Price, Captain  
 Raikes, H. C.  
 Read, C. S.  
 Rendlesham, Lord  
 Repton, G. W.  
 Ridley, M. W.  
 Ripley, H. W.  
 Ritchie, C. T.  
 Rodwell, B. B. H.  
 Round, J.  
 Ryder, G. R.  
 Sackville, S. G. S.  
 Salt, T.  
 Samuda, J. D'A.  
 Sanderson, T. K.  
 Sandford, G. M. W.  
 Sandon, Viscount  
 Slater-Booth, rt. hn. G.  
 Scott, Lord H.  
 Scott, M. D.  
 Selwin - Ibbetson, Sir  
 H. J.  
 Shaw, W.

Sheil, E.  
 Shirley, S. E.  
 Sidebottom, T. H.  
 Simonds, W. B.  
 Smith, A.  
 Smith, S. G.  
 Smith, W. H.  
 Smollett, P. B.  
 Somerset, Lord H. R. C.  
 Sotherton-Estcourt, G.  
 Spinks, Mr. Serjeant  
 Stanhope, W. T. W. S.  
 Stanley, hon. F.  
 Starkey, L. R.  
 Starkie, J. P. C.  
 Stewart, M. J.  
 Storer, G.  
 Sykes, C.  
 Taylor, rt. hon. Col.  
 Tennant, R.  
 Thornhill, T.  
 Thynne, Lord H. F.  
 Tollemache, hon. W. F.  
 Torr, J.  
 Tremayne, J.  
 Turner, E.

TELLERS.

Vernier, E. W.  
 Wait W. K.  
 Wallace, Sir R.  
 Walpole, rt. hon. S.  
 Walsh, hon. A.  
 Walter, J.  
 Ward, M. F.  
 Watney, J.  
 Wellesley, Colonel  
 Wethered, T. O.  
 Wheelhouse, W. S. J.  
 Williams, Sir F. M.  
 Wilmot, Sir H.  
 Wilmot, Sir J. E.  
 Wolff, Sir H. D.  
 Woodd, B. T.  
 Wroughton, P.  
 Wyndham, hon. P.  
 Wynn, C. W. W.  
 Yarmouth, Earl of  
 Yeaman, J.  
 Yorke, J. R.

## NOES.

Acland, Sir T. D.  
 Adam, rt. hon. W. P.  
 Allen, W. S.  
 Amory, Sir J. H.  
 Anderson, G.  
 Backhouse, E.  
 Balfour, Sir G.  
 Barclay, A. C.  
 Barclay, J. W.  
 Bass, A.  
 Baxter, rt. hon. W. E.  
 Bazley, Sir T.  
 Beaumont, Major F.  
 Biddulph, M.  
 Blake, T.  
 Brassey, T.  
 Briggs, W. E.  
 Bright, Jacob  
 Bristowe, S. B.  
 Brocklehurst, W. C.  
 Brogden, A.  
 Brown, J. C.  
 Bruce, rt. hon. Lord E.  
 Burt, T.  
 Cameron, C.  
 Campbell - Bannerman,  
 H.  
 Carington, hn. Col. W.  
 Carter, R. M.  
 Cartwright, W. C.  
 Cave, T.  
 Cavendish, Lord F. C.  
 Cavendish, Lord G.  
 Chadwick, D.  
 Cholmeley, Sir H.  
 Clifford, C. C.  
 Cole, H. T.  
 Colman, J. J.  
 Corbett, J.  
 Cotes, C. C.  
 Cowen, J.  
 Cowper, hon. H. F.  
 Crawford, J. S.  
 Cross, J. K.

Davies, D.  
 Davies, R.  
 Dilke, Sir C. W.  
 Dillwyn, L. L.  
 Dixon, G.  
 Duff, M. E. G.  
 Duff, R. W.  
 Dundas, J. C.  
 Earp, T.  
 Edwards, H.  
 Evans, T. W.  
 Fawcett, H.  
 Ferguson, R.  
 Fitzmaurice, Lord E.  
 Fitzwilliam, hon. O.  
 W. W.  
 Fletcher, I.  
 Foljambe, F. J. S.  
 Forster, rt. hon. W. E.  
 Forster, Sir C.  
 Gladstone, W. H.  
 Goldsmid, Sir F.  
 Gordon, Lord D.  
 Goschen, rt. hon. G. J.  
 Gourley, E. T.  
 Gower, hon. E. F. L.  
 Grieve, J. J.  
 Hankey, T.  
 Harrison, C.  
 Harrison, J. F.  
 Hartington, Marq. of  
 Havelock, Sir H.  
 Hayter, A. D.  
 Herschell, F.  
 Hill, T. R.  
 Hodgson, K. D.  
 Holland, S.  
 Holms, J.  
 Hopwood, C. H.  
 Howard, hon. C.  
 Howard, E. S.  
 Hughes, W. B.  
 Ingram, W. J.  
 Jackson, Sir H. M.

respect of such premises. Such application shall be accompanied with a certificate as to the applicant's character and qualification, signed by a justice of the peace for the county or a magistrate of the burgh, as the case may be. And the justices or magistrates, and the county licensing committee or joint committee for the burgh, as the case may be, if satisfied with the plans submitted to them of such premises, and that if such premises had been actually constructed in accordance with such plans they would, on application, have granted and confirmed such a certificate in respect thereof, and that it is meet and convenient that such certificate should be granted, may grant and confirm a provisional certificates in respect thereof in, or as nearly as may be, in the terms of Schedule B annexed to this Act."

The effect of this enactment would, it appeared to him, be this—on the tenant applying for a certificate, the owner of the House would say that he had presented plans to the licensing justices, and that it was on the face of the certificate that the money was laid out; and that, therefore, he had the right subsequently to obtain the licence, because he could contend that he had laid out the money on the faith of its being granted. It would be thought a great hardship upon a man who had expended some £5,000 or £10,000 upon the premises to refuse him the licence, and the consequence would be that they would have to give it to every subsequent tenant. The effect all over Scotland would be to impair the power of the magistrates to refuse licences to succeeding tenants. When the Bill was passing through the House of Commons it attracted so little notice that he believed hardly anything had been heard of it in Scotland: but since public attention had been roused, he had had Petitions sent to him from a great many public bodies against this clause, and amongst others a Petition from no less important a body than the General Assembly of the Free Church of Scotland, representing a very large constituency, and also from the justices of the county of Lanarkshire, praying that it might not be allowed to pass. Under these circumstances, and having found few Members either in that House or the House of Commons who really approved of it, he trusted his noble Friend who had charge of the Bill would consent to omit it.

*Moved* "To omit the said clause."—*(The Duke of Argyll.)*

EARL STANHOPE said, he did not think this clause tended to create new in-

*The Duke of Argyll*

terests and so to impede the action of the magistrates, because as he understood the practice already existed in Scotland, and that at present persons who were about to construct public-houses in the town of Edinburgh were allowed to lay before the magistrates the plans of the proposed buildings or alterations. He thought the magistrates were much more likely to refuse the licence when the application and plans were first submitted to them, as then no expense had been incurred, than they were to refuse subsequent applications, when they had once sanctioned them. He trusted the noble Duke would not persist in his opposition to the clause.

THE EARL OF ABERDEEN said, that a few days ago he had presented a numerously signed Petition against this clause.

THE DUKE OF BUCCLEUCH thought the effect of the clause would be to licence the House instead of the occupier, and this he thought was very undesirable. He quite agreed with the noble Duke (the Duke of Argyll) that the working of the clause would be to make it difficult for the magistrates to refuse the licence to the subsequent applicants. He hoped his noble Friend (Earl Stanhope) would give way.

THE DUKE OF RICHMOND AND GORDON said, that after what had fallen from his noble Friend and the noble Duke opposite, he trusted the noble Earl (Earl Stanhope) would withdraw the clause. It seemed to have no reference to the main part of the Bill, which he thought a useful measure. His noble Friend had proved too much, because he said that the plan embodied in the clause was already adopted in Scotland, and if so the clause was unnecessary. Whether that were so or not, he believed that the Bill would be more useful without the clause than with it.

*Motion agreed to, Clause struck out accordingly.*

*Remaining clauses agreed to. Amendments.*

*New clause added to follow C*  
(Table beer licences not to be granted without certificates).

The Report of the Act received on Monday next printed, as amended.

## CRUELTY TO ANIMALS BILL.

*(The Earl of Carnarvon.)*

(NO. 85.) COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

*Moved*, "That the House do now go into Committee."—(*The Earl of Carnarvon.*)

THE MARQUESS OF LANSDOWNE said, he hoped he might be allowed before the House went into Committee, to say a few words which were applicable to the general principle of the Bill rather than to any particular clause of it. He would first remind their Lordships that immediately before the Whitsuntide Recess, the noble Duke the President of the Council stated to their Lordships that he had received a number of important communications on the subject of this Bill, but that he had not been able to arrive at any conclusion with reference to the suggestions contained in those communications, and that consequently the Committee would be postponed till after the holidays. A statement such as that was naturally regarded as one with some significance, and the meaning he attached to it was that the Government were about to make important modifications in the Bill. Three weeks had since elapsed, and he found that the Bill remained in its original shape, and that in the Amendments of which the noble Earl who had charge of the Bill (*the Earl of Carnarvon*) had given Notice no attempt was made to meet adequately the objections urged against the measure. In the meanwhile public opinion had been growing day by day, and he thought he was not misdescribing the case when he said that so far as the great Profession which would be affected by the Bill was concerned, public opinion was very unfavourable to the details of the measure. He did not propose to refer to the various complaints and suggestions made in the general Petitions, but would say that various memorials which had been presented on the subject of the Bill by medical Bodies were unanimous in asking for an alteration of that provision which would restrict vivisection to experiments performed "with a view only to the advancement by new discovery of knowledge which will be useful for saving or

prolonging human life or alleviating human suffering." It must be remembered that all great discoveries were of gradual growth, and that it was impossible to affirm positively of any one experiment of a tentative kind that it would result in a discovery by which life might be prolonged or suffering diminished. Nor did the Report of the Royal Commission at all justify such a limitation. The Report showed, indeed, that the attitude of the Profession was not one of factious opposition to legislation on vivisection; that the abuses arising from vivisection in the country were very small and very much exaggerated, and that the medical Profession very generally leant towards humanity and forbearance. Bearing that in mind he ventured to suggest that the representations to which he referred were deserving of the very highest and most delicate consideration, not only because the persons who made them were men able to appreciate the effect of such legislation, but also because unless we had the concurrence and confidence of the medical Profession it was too much a matter of certainty than any legislation which Parliament might attempt in the matter would be evaded and ineffectual. They could not do away with vivisection; all they could do was to regulate it, and he concurred in the opinion of Professor Rolleston, that a declaration of the sentiment of the Legislature against the infliction of needless pain on animals would in itself have a very beneficial effect. It was proposed by the Bill to have a system of licences—licences to the person by whom, and licences to the places in which the experiments might be conducted. He thought that licensing persons in this case might be desirable, as it would impose personal responsibility; but when the Bill went further and made the licences extend to places he believed that to be a mistake. Again, there was no occasion to subject distinguished men to the domiciliary visits of Inspectors, and he should be glad to see these officials, whose duties would be very inquisitorial and invidious, removed from the Bill. Their interference was uncalled for where a licence to try experiments had been obtained, and as for the unlicensed or contraband experiments they would not come under inspection, but would be dealt with by the police constable and

the magistrate. Their appointment further involved the selection of a class of officers very difficult to obtain, for it would be necessary that they should have professional knowledge sufficient to enable them to judge accurately of the value of these researches, and it would not be easy to find persons in whose judgment the public and the Profession would have confidence. It was only by acting in unison with the highest professional authorities that Parliament could hope to effectually regulate the practice of vivisection, and he feared that in his zeal to prevent abuse the noble Earl who had introduced this Bill would alienate the support upon which he ought to rely, and discredit the good cause of humanity in which every Member of the House was interested.

Motion agreed to; House in Committee accordingly.

#### Clause 1 (Short Title).

THE EARL OF CARNARVON said, that at the proper time he intended to propose that the title of the Bill be changed from "An Act to prevent cruel experiments on Animals" to "An Act to amend the law relating to Cruelty to Animals." This change he proposed in deference to the opinion expressed by a deputation of the medical Profession.

Clause agreed to.

Clause 2 agreed to.

Clause 3 (General restriction as to performance of painful experiments on animals).

THE DUKE OF SOMERSET called attention to the opening words of the clause. "The following restrictions are imposed by this Act with respect to the performance on any living animal of an experiment," &c. Was a jellyfish a living animal? A great number of experiments were perpetually performed by farmers; and there were continual experiments on small animals and insects for their benefit. What was to be done in these cases? Had they not better define what a "living animal" was? He feared they were about to pass a Bill which would be absurd in its application, and which no one would clearly understand.

THE EARL OF CARNARVON thought their Lordships would do well not to

enter on the work of definition proposed by the noble Duke. The General Medical Council had spent half a day in endeavouring to define "any living animal," and ultimately giving up in despair, recommended that there should be no such definition.

THE EARL OF KIMBERLEY suggested that, in the case their Lordships had to deal with, the use of the word "living" was unnecessary. Vivisection was not performed on dead animals.

THE EARL OF CARNARVON thought the matter was not so clear as his noble Friend supposed. With some animals the head might be cut off and signs of sensation might still appear.

THE DUKE OF SOMERSET hoped his noble Friend who had presided over the Royal Commission, and other noble Lords who had served upon it, would come to their aid and help them in a definition of "living animal;" and that they would also explain what they meant by "inflicting unnecessary pain upon animals," because it was sometimes necessary to destroy animals wholesale.

VISCOUNT CARDWELL said, the Royal Commission had the advantage of hearing the most eminent physiological and medical authorities; and, further, it had the great advantage of having as one of its Members a most eminent physiologist. He trusted that, after that, the House would not feel overtroubled by the difficulties with respect to definitions which presented themselves to his noble Friend. The Commissioners had not felt themselves at all perplexed in their inquiries, and had come to a unanimous conclusion as to what they should recommend. Since the Commission closed its labours, he had received from many of the most distinguished professional men in this country the express of the entire approval of the result of those labours; and only on the previous day he had the honour of seeing a letter from the President of the Royal Society, in which similar approval was expressed. They had now to deal with a practical measure, and he trusted that their Lordships would deal with the subject practically, and not be thrown off the scent by the red herring which was now being drawn across the path of the Bill.

THE DUKE OF SOMERSET only hoped the magistrates would be able to do that which it appeared neither the General

Medical Council nor the Legislature were able to do—to define that which might or might not be done—otherwise it might go hard with a farmer who destroyed a wasp's nest.

LORD WINMARLEIGH pointed out that destroying a wasp's nest was a positive act of destruction, and not an experiment on a living animal; and the destruction of animals wholesale would not be done as an experiment.

LORD RAYLEIGH *moved*, as an Amendment in sub-section 1, to leave out from ("advancement") to ("suffering") and insert ("of medical or physiological knowledge.")

LORD COLERIDGE: My Lords, I do not desire to stop for a moment the progress of a Bill, in the success of which I feel so deep an interest, by any unnecessary speaking. But I wish in the fewest possible words to tender my thanks to the noble Earl for a measure, humane indeed, yet wise and temperate, and practical in its humanity, and to entreat him, if he will allow me, to stand firm to the main outlines of the Bill, and to resist all attempts to change its essential character. Some of the Amendments which have been suggested would, if carried, make the Bill valueless in my eyes; indeed, I would rather see it lost than see it carried with some of those Amendments. Better a thousand times the present state of things, with the aroused and increasing indignation of a people, sometimes coarse and brutal, no doubt, as some portions of all great multitudes will be, but never deliberately cruel, never turning away from the appeal, even if it be the mute appeal, of suffering and oppressed creatures;—better this, than a recognition by the Legislature of the moral lawfulness of inflicting torture for any but the very highest objects, and in the fewest instances, and a law which would be rather an encouragement to the vivisector than a protection to his victims. It is of vital consequence that this Bill should be a real effective measure—a real step in the direction in which its advocates mean to go. For a Bill of this kind, and the feeling which generates a Bill of this kind, cannot be produced every year. Whatever passes will be treated by many men as a present settlement of the question. The inert force of that large mass of men who wish to leave things alone, or do

not take the trouble to understand or to care about a question, a force the weight of which can hardly be over-rated by any practical man who has to run counter to it; this force will be strengthened by the passing of any Bill whatever, and will greatly aid the opposition of those comparatively few men of ability and intelligence who now actively oppose the regulation even, as well as the abolition, of cutting up animals alive. So much by way of general entreaty to the noble Earl. Next, as to this particular Amendment, I may say that, individually, I have that true respect for the noble Earl, and so much confidence in his intentions and his judgment, that if he thinks it, on the whole, wise to accept it, I shall certainly not trouble the House by dividing against him. But what is the main and great object of the present Bill—its characteristic, its essence? I apprehend, speaking for the moment without the qualifications (which, nevertheless, I do not forget), it is to prevent by law the infliction of torments upon living creatures. Experiments themselves are only to be allowed for certain definite objects. As a rule, in all experiments, insensibility is to exist in the subject during their performance, and as a rule they are to be performed only for the prolongation of human life, or the alleviation of human suffering. This limitation, as I understand the Amendment of the noble Lord (Lord Rayleigh), it is proposed to relax. Now, for my own part, I must confess, that, the more I think about it, the less I am satisfied that we have the moral right, which is assumed, to torture animals for the benefit of mankind. At least it seems to me more and more certain that the exercise of this right, if it exists, should be restrained within the narrowest practicable limits; and that it should never be done, except in what is, perhaps, a legal phrase, but none the worse for that, whenever it is reasonably necessary. I have heard it indeed denied, and denied on very high authority, that there is any justice to be observed by us towards animals, on the ground that there is nothing correlative on their parts towards us, and that they have been given over absolutely into our dominion. I will not embark your Lordships or myself in a discussion on the metaphysic of morality, but, granting that they have been given

to us, or, what comes to the same thing as far as they are concerned, that we have taken them absolutely into our power; and granting that we cannot be unjust towards them in the strict sense of the word, all this does not absolve us from our moral duties towards them, of which the plainest and simplest of all is, that we should never needlessly torture them. What do we know about them? We do not know their life; we cannot describe their interests; we cannot foretell their destiny. Whether they have reason, or responsibility, we do not know. Some men doubt whether they have feeling in the sense that we have, as they seem to have no reflection and no foresight. Whether they perish altogether, appeared to so great a man as Butler to be at least far from certain. I presume, therefore, to doubt extremely whether we know enough of them to conclude that we have the absolute right of torturing them, even for our own direct benefit. I doubt whether, if it were certain that by putting 1,000 horses to death in slow and hideous torments, we could prolong the life of a man or of men for a few hours or a few days—I doubt much if it would be justifiable so to torture 1,000 horses. I believe, if I spoke my whole mind, I should say, that I do not doubt that it would be clearly and abominably wrong. This rule of what we may do with creatures in our power for our own benefit, we ourselves being the judges, may be very convenient, but is undoubtedly capable of dangerous extension. Dogs and cats were described as carnivorous animals of great value for purposes of research. Well, dogs and cats cannot be heard against the scientific accuracy of the definition. But what as to slaves? More than 2,000 years ago Aristotle called them "living tools." And in the lifetime of the youngest Peer in your Lordships' House, in a great, allied, and Christian country, at least in a great part of it, it was hardly an exaggeration to say they were as completely chattels, and had as few legal rights as chairs or tables. They were held in absolute dominion. Could they have been lawfully (I mean in morality) put to cruel torture for the purpose of prolonging the life or alleviating the suffering of the superior race? Most certainly not. The whole voice of civilized mankind would have returned a fierce and angry nega-

*Lord Coleridge*

tive to any such insulting question. This theory of the rights resulting from absolute dominion must, it seems, have some stern limitation put upon it. But further still. In the lofty and spiritual philosophy of the great Bishop to whom I have already alluded, our bodies are called masses of matter in which we are nearly interested. I suppose that other bodies would have been described by him as masses of matter in which we are not so nearly interested. And, if the prevailing views of the opponents of this Bill be correct, and are to be acted on, there is no limit, except that of power, by which we should be restrained from operating for our own benefit, and for the advancement of science, on the bodies of others—these masses of matter in which we have not so near an interest as our own. If the principles on which these limitations are resisted become widespread and effective, if science is the great object, if advance in knowledge—genuine if you will, and honestly pursued if you please—is to justify all cruelty in ourselves and all suffering in others which advance, or tend to advance, real knowledge, depend on it you will find that not only in reason, but in fact, men and women will not long be respected as subjects for scientific experiments, and, if the end justifies the means, I do not know why they should be. There is a frightful letter in *The Examiner* of this week, signed by Mr. Maitland, the statements of which, as regards our hospitals, if well founded, would go to show that poor men and women are not now respected by scientific men, but are regarded, like cats and dogs, as animals of great value for purposes of research. I hope and pray that these statements may prove to be exaggerated or unfounded. But, unless you tell scientific men that, as a rule, it is unlawful to inflict tortures for the sake of research, the statements of that letter will soon be neither unfounded nor exaggerated. I need not say, therefore, that the Amendment of the noble Lord, as far as my own judgment goes, is one that I would strenuously oppose. But I repeat that I shall not dispute the judgment at which the noble Earl the Secretary for the Colonies may finally arrive. I have detained your Lordships too long; but there is another matter which seems to me of consequence to say, and I should be glad to be allowed to say it. I hope and pray that your Lordships will not be

either alarmed or misled by the argument which, in Parliament and out of it, has been used against the Bill, drawn from the alleged cruelty of certain field-sports; and from the pain inflicted upon numbers of the males of many agricultural animals by practices familiar to us all. I must frankly say, that some field-sports do appear to be to me detestably cruel; and that, perhaps, in a perfect state of the word we should all learn—

“Never to blend our pleasure or our pride  
With sorrow of the meanest thing that feels.”

I do not, however, think that all sport is cruel; and I know well enough that, if it were, what Mr. Windham said 70 years ago is true to day—namely, that cruel sports do not make cruel men. Admit, however, all that is said on this subject, and I cannot see the sense or follow the logic of it. Where is the sense, where is the logic, of saying to a practical man—“You must not try to put down this, not because it is not cruel, but because you are not at the same time trying to put down that, which is cruel too?” My answer is, that I do what I can; and that, if ever the time arrives when the great majority of mankind think the practices I have spoken of as cruel as they think the practices which it is the object of this Bill to prevent, they will then put down those practices without the smallest hesitation. Oh, but says an opponent, this is “fancy” legislation; sometimes the expression is “partial” legislation. As to fancy legislation, I must observe, that calling bad names does not advance the argument a single step; and, as to partial legislation, my answer is, that all legislation is in a sense necessarily partial; you cannot do everything, any more than you can say everything, at once. The one question for a man of sense to answer is this—Is the thing right in itself to do? I cannot conceive any one who has read the Report of the Royal Commission, or the evidence for instance of Dr. Klein, answering that question except in the affirmative. If so, we reply that we mean to do it, and do it now. My Lords, I know how very easily a clever cynic may turn all this into fun. Nothing is easier to do. Nothing in its proper place and at its proper time is more amusing or more delightful than to hear such a man humourously laughing at anything tinged

with imagination and enthusiasm. It is true that you may, as it has been said, so speak of earth, that it grows more earthy, so speak of Heaven that it recedes from view. But surely my Lords, keen pain and long-drawn agony, even in the meanest of God’s creatures, are not convenient matters for a jest; and I am very sure that in your Lordships’ House, whatever conclusions are arrived at, will be the issue of grave and serious argument, and that, as the cause is worthy of your Lordships, so your Lordships will be worthy of the cause.

VISCOUNT CARDWELL said, that as he had himself given Notice of an Amendment almost identical with that which had been moved by the noble Lord opposite (Lord Rayleigh), he wished to say a few words in its support. He hoped to be able to convince the noble Earl who had introduced this Bill that if he intended to make it a practical and effective measure he must accept some such Amendment as that now before the Committee. In drawing up a measure of this kind it was above all things necessary that it should be plain and intelligible—such that those who had to administer the law would be able to apply, and which need not remain a dead letter on the Statute Book; and he trusted that the noble Earl would act upon the practical principle of doing all the good which he could, even although it might not be all that he wished to do. This was exactly the position in which the Royal Commission found themselves. Their object was to do what they could to do away with the torture of animals in experiments, entirely where it was possible to do so, and to reduce it to the smallest amount in cases where it could not be altogether abolished. In arriving at the conclusion they had done on the subject they had not been governed by medical opinion or by mere scientific opinion. The noble and learned Lord who had last spoken (Lord Coleridge) appeared altogether to have omitted from his consideration the recommendation of the Commission that anæsthetics should be employed in all cases where they could possibly be had recourse to. That was the key to the whole question. If in the Royal Commission they had occupied their time in discussing the metaphysics of morality—in examining the relations of man to the lower animals as regarded by Aristotle—or in considering



with Bishop Butler the possible existence of the lower animals in a future state—they would have made little progress in the practical duty confided to them by the Crown. That duty was to assist the Legislature in framing enactments which without retarding the progress of discovery for the benefit of man, might put the closest attainable limit upon the suffering inflicted upon the lower animals. The real question for their Lordships would be whether or not the Bill would be improved and rendered more welcome by the adoption of the Amendment, which would render its construction more easy to those who would have to work under it and who would have to carry it into execution. It was most desired by those who were anxious on the side of humanity that the measure should be above all things practicable. It would be very hard for a Court or a magistrate to distinguish between the motives of persons who made these experiments, but very easy to determine whether due recourse had been had to anæsthetics. The Report of the Commissioners showed that great discoveries had been made where the experiments had not been conducted for medical purposes; but should the experiments be restricted on that account? The discoveries of Harvey did not appear to have been arrived at by experiments which would be within the Bill as it stood. His were mere scientific experiments; but would they on that account have prevented the discovery of the circulation of the blood? The Commissioners had before them the great experiments performed by Dr. Ferriar and Dr. Crichton Brown. But for the use of anæsthetics these experiments would have inflicted the most horrible tortures, but by their use they were performed apparently without pain; but no one could say whether, under the wording of this Bill, they were physiological or medical experiments. One of the operators spoke of them in one sense in his evidence and one in the other. But, as he had pointed out, the greatest discoveries of science had not been made under the conditions of this Bill, and therefore he hoped their Lordships would adopt the Amendment.

The EARL OF CARNARVON said, that there were three Amendments proposed to this clause, which were substantially the same; and in reference

to them he would say at once that the Government would agree to the clause being so far altered as to admit of physiological inquiries being carried on. He admitted that the Bill was a penal measure, and that therefore it was essential to make perfectly clear all processes of law that might be required to carry out its provisions; but the Government would accept no Amendment which they thought would render the essential clauses of the measure one whit less effective than they now were; but after careful and repeated consideration he believed that it was possible to admit physiological inquiries into the same category as medical inquiries. What they had to look to was this—whether the Bill was stringent and effective for its purpose, and if so, whether they might not with comparative safety discard the question of the intention of the party in conducting the experiment. In certain cases it would be extremely difficult to say whether the inquiries were physiological or medical; and if the existing words were left in the clause they might perhaps create doubt and uncertainty. On the whole, he might say that of the three Amendments he preferred that of the noble Viscount opposite (Viscount Cardwell). There were some Amendments which attacked the principle of the Bill, and there were others which concerned the particular interests of professional gentlemen. As to those which went to the vitality of the Bill, nothing would induce the Government to make any alteration; whilst as to the others, the Government would be anxious to meet the views which were put forward.

THE DUKE OF SOMERSET said, that the position of the noble and learned Lord (Lord Coleridge) would alter the principle of the Bill, because he said that we had no right to inflict pain upon any animal whatever. The noble and learned Lord referred to horses; but if we had no right to inflict pain upon horses, what was to become of the Cavalry? No one would deny that the firing of horses was a most painful operation. When any of their Lordships got ill they sent for Sir James Paget or Sir William Gull, and paid them to get the benefit of knowledge which had been acquired from experiments upon living animals. Now, it savoured of hypocrisy to pay for this

*Viscount Cardwell*

knowledge, and then to legislate to prevent it being acquired. The very men who were now legislating against scientific men were the men who had profited by their science, and he thought that instead of visiting them with censure and reproach, they ought rather to propose to them a vote of thanks.

THE BISHOP OF PETERBOROUGH agreed that they had no right to inflict unnecessary pain upon animals; but it was very difficult to decide what was unnecessary pain. The destruction of wasps and other animals had been referred to; but, on the other hand, there was the case of the wretched man who was convicted of skinning cats alive, because the skins were more valuable when taken from the live than the dead animal. The extra money got the man a dinner. The solution of all these questions must be left to the practical common sense of an English jury. He preferred the Amendment of the noble Viscount to that proposed by the noble Lord (Lord Rayleigh), because the form would limit the experiments, so that whenever a discovery had been fully ascertained it could not be repeated. This would prevent the repetition of it for the mere purposes of instruction of experiments on living animals in reference to physical facts and phenomena which had already been settled. Such practices could not but have a demoralizing effect.

THE DUKE OF ARGYLL observed, that the sub-section restricted nothing and prevented nothing—the element of intention would remain precisely where it was. Its value was that it was a declaration on the part of Parliament as to the intention with which certain experiments ought to be performed, and the only intention which could possibly justify them. He was glad that the noble Lord opposite had accepted the Amendment of his noble Friend the Chairman of the Commission; it should be remembered that there were not only humane but conscientious men engaged occasionally in the work of vivisection, and it would be a serious grievance to them, as a matter of conscience, if the clause were allowed to remain unaltered. He rejoiced greatly that the arguments of his noble Friend had led to the acceptance of the words he proposed, for they placed the clause on a satisfactory basis.

THE EARL OF PORTSMOUTH suggested that the case of veterinary surgeons ought not to be overlooked. These gentlemen were not less interested in the progress of physiological science than those in other branches, and he thought experiments ought to be permitted with a view to the advancement by new discovery of knowledge, which would be useful for prolonging or alleviating animal as well as human life or suffering.

EARL FORTESCUE said, that curative processes as regarded animals ought to be considered and provided for as well as curative processes as regarded human life, and the same words ought therefore to be used in the case of veterinary, as of other, surgeons.

THE EARL OF CARNARVON said that the word "physiological" would cover and include experiments on animals having for their object the saving of the lives of animals.

Amendment, by leave of the Committee, *withdrawn*.

Then it was *moved*, in line 25, after ("of") to insert ("physiological or medical,") and after ("knowledge") to insert ("or of knowledge.")—(*The Viscount Cardwell*.)

Amendment *agreed to*.

Then the 1st sub-section *agreed to*.

THE MARQUESS OF LANSDOWNE drew attention to the 2nd sub-section, which provided that experiments must be performed in a registered place. The effect of the provision would be to limit and obstruct useful and beneficial discoveries. He suggested that the Government should modify the requirements of the Bill in this respect.

THE EARL OF KIMBERLEY regarded the limitation as an outrage on the learned Professions affected by it. It treated them with great mistrust to say that they should not only be licensed themselves, but that they should perform their experiments in registered places only.

VISCOUNT CARDWELL observed that the highest authorities before the Commissioners recommended inspection, and inspection could not be made unless the places were known and recognized. The medical witnesses before the Commission did not object to this provision.

THE DUKE OF ARGYLL said, the Bill made no distinction between two very different classes of painful experiments—vivisection proper, which was the subject of all the Petitions which had been presented to the House, and the exhibition, as medical men called it, or administration of drugs to animals for the purpose of ascertaining their effects. Now, where drugs were so administered it might be desirable that the animal should be allowed to pursue its ordinary course of life, and not be shut up in one place: but the restriction to a registered place seemed to refer exclusively to the case of vivisection proper. Some of the greatest men who had ever lived had been cut off by diseases of which nothing was known either as to their causes or as to the agents by which they might be prevented or cured. Their Lordships would be rendering an essential service to humanity by recognizing the title of the profession to ascertain the effect of drugs upon animals, and that without any unnecessary restriction. When drugs were administered, it was not necessarily for the purpose of destroying life; in many cases it was most desirable that the animal should recover, and be restored to its natural life.

LORD WINMARLEIGH said, the members of the medical Profession who gave evidence before the Commission did not object to inspection. His own opinion was, that there ought to be as much liberty as possible given for the carrying out of such experiments consistently with a due regard for the object of the Bill, and the prevention of its misuse.

THE EARL OF KIMBERLEY pointed out that the General Medical Council of the United Kingdom in their memorial to the Government objected in the strongest possible way to this limitation of experiments to registered places.

THE LORD CHANCELLOR said, that the point for the consideration of the particular question under discussion had not been reached. In another part of the Bill words might be proposed to the effect that any person holding a licence under the Act, might, in any place, licensed or not, administer drugs to animals for the purpose spoken of by the noble Duke (the Duke of Argyll). But if the restriction in this sub-section were rejected, they really might as well give up the Bill altogether. If they did

not know the place in which the act of vivisection was to be done, how could the inspection recommended be made? But they would be doing the worst possible thing for the medical profession if their Lordships struck out the restriction in question. The result would be that the Secretary of State would only have the character and trustworthiness of the person seeking the licence to rely on, and he would be placed in the invidious position of giving to those who were known to be men of honour, and withholding from those of whom nothing was known, whereas under the clause as it stood, the Secretary of State would, besides that of character, have the further protection which would be afforded by the licence of the place. In the interest of the medical Profession, therefore, it was desirable that the place where vivisection was to be performed should be registered.

LORD RAYLEIGH feared that very valuable medical and surgical work would be lost if the restriction in question were insisted on. He suggested that in certain cases only a second certificate should be given.

THE DUKE OF RICHMOND AND GORDON asked whether anything could be more invidious than that the Secretary of State should be compelled to say "Sir William Gull" or "Sir James Paget, I know you and can trust you to carry out experiments anywhere," and to other gentlemen, "I do not know you, and cannot trust you unless with a limited certificate." The honour and *status* of the Medical Profession would not be upheld by such a provision.

THE BISHOP OF PETERBOROUGH earnestly trusted that the provision would not be given up by which a knowledge of the place in which the experiments were to be performed was secured.

THE EARL OF CARNARVON reminded their Lordships that there was no Amendment before the House. He was aware that a large proportion of the Medical Profession objected to the provision in question. At the same time it was the keystone of the Bill, and if it were given up the measure would virtually be at an end. The noble Earl opposite said that the Medical Profession regarded the restriction as an outrage.

THE EARL OF KIMBERLEY said, that that was his own opinion; but the

opposition to registered places emanated from the Medical Council.

THE EARL OF CARNARVON could not see how the provision could possibly be so regarded. As had been pointed out, if the Secretary of State had not the security of registered places he should have that of known character, and a great responsibility and most invidious duty would thus be thrown upon him. The Secretary of State had accepted in this matter a great responsibility, and it ought not to be increased, as it would be by the adoption of this Amendment. So long as these places were registered, so long, by means of inspection and the other guarantees provided, we should have an effective control; but the moment these places were unregistered control vanished. No matter how conscientious the Secretary of State might be, it was impossible he could exercise the control which the Bill contemplated, and without which it would be nothing at all. The worst cases of abuse had occurred, not in public institutions, but in private lodgings, and these cases could be met only by maintaining carefully and effectively this particular clause. He should be sorry to see it weakened in the slightest degree.

THE EARL OF SHAFTESBURY said, that if this sub-section were to be omitted, the Bill might as well be abandoned at once. The evidence went to show that the practices in question were carried on in garrets, bedrooms, cellars, and other places difficult of access. With all respect for the Medical Profession, there was another party to this question. Some regard ought to be paid to the strong feelings of many persons who contended that on moral and religious principles vivisection ought to be prohibited absolutely, and who had consented for a time to a Bill of restrictions because they believed the Government would take every security that the Bill should be effectively enforced. If this condition were struck out, the Bill would give no satisfaction to the country.

THE DUKE OF SOMERSET urged that the sub-section would interfere with the experimental treatment of diseased or injured animals for their own relief or cure, and that, by retarding or preventing such treatment, it would prolong or increase their sufferings.

THE LORD CHANCELLOR said, it never could be imagined that the sub-section would prevent the application of a particular remedy to an animal for its own sake in any place where it might be.

Second sub-section *agreed to*.

Then the other sub-sections and provisions *agreed to*, with Amendments.

Clause, as amended, *agreed to*.

Clause 4 (Use of urari as an anæsthetic prohibited).

LORD HENNIKER moved an Amendment to leave out the words ("for the purposes of this Act be deemed to be anæsthetic"), and to insert ("be used upon any wounded animal.") He said, the Amendment was due to a certain extent to the physiologists themselves, for the discussions by the Medical Council, the Medical Association, and in *The Medical Journal* had caused an inquiry into this clause. It was argued that what science left unsettled—namely, the anæsthetic qualities of curare, should not be settled by law. If it were sought to settle such a question by law, he would admit there was something in the objection, but the clause only said curare was not to be considered an anæsthetic "for the purposes of this Act," and so in no way could it be said that it did so. The Medical Council wished to insert the words, "until proved to be so." If these words were put in, who was to be the person to decide the question? He thought the opinion of the Royal Commissioners ought to be sufficient to show the necessity for this clause. They said in their Report—

"It has, however, been positively stated by perhaps the highest authority on such a subject, Claude Bernard, to have no effect in producing insensibility to pain."

The Amendment which he wished to propose conceded the point, however, but added to the clause. He hoped the noble Earl and the House would accept it, for it would be a popular one out-of-doors. The 4th clause did not absolutely prohibit the use of curare, for it might be used under the clauses allowing experiments to be performed without anæsthetics, and this substance, probably, would, when it came to carrying out the Act, be often used. The Amendment did not absolutely prohibit the use

of curare. It would not do so where stillness was required and where no pain was inflicted—as, for instance, the placing of the frog's foot, or the fish's tail under the microscope, nor in some experiments on large vertebrate animals. He could not help saying that if there were a doubt as to curare being an anæsthetic, he thought the benefit of the doubt ought to be given to the animals. He could show, however, that curare was anything but an anæsthetic. It was true some physiologists had referred vaguely to its effect, but they could not refer to any authority on the subject. Drs. Klein, Brunton, and Sibson had, for instance, in Questions 3,755, 4,759, and 5,793 referred to Professor Schiff in support of their theory. It was true Schiff had used curare on a frog in the spring; when it was in a half-dormant state, he had been able to give it an extreme dose of curare at such a time, a dose which would have killed any other animal, and it had become an anæsthetic; besides, it must be remembered that a frog respired through its skin, and what might be an anæsthetic in such a case could not be so with other animals. To show exactly what Schiff thought on this subject, he must quote a passage from his last published work—*Sopra il metodo seguito negli esperimenti sugli Animali Viventi*, and he thought his Amendment could have no better support. At page 34, he said—translated into English—

"In experiments such as we have described we use curare as a means of preventing the disturbance which the movements of the animal might cause us, but we have read with extreme regret that in some modern articles on the subject curare has been recommended as an anæsthetic in experiments upon animals. We have read the description of certain experiments requiring great mutilation of the animal, which were performed under the influence of slight curarization. I can here only entreat my colleagues, as I have already done before, to consider well the above reasoning. Not to allow themselves to be imposed upon by the apparent impossibility, and never to use curare as an anæsthetic except in cases where the wound is slight, and the irritation of a nature to provoke only moderate sensation. In experiments on the blood pressure, curare acts solely as a tranquillizer, which, impeding movement, hides the pain from the observer. And it is nothing but hypocrisy to wish to impose on oneself, and others, the belief that the curarized animal never feels pain."

He need not quote any further opinions on this subject. He would have been

*Lord Henniker*

glad to have quoted a passage from a Paper on Curare, by Claude Bernard, not in the Blue Book of the Royal Commission; but he had already, perhaps, taken up too much of their Lordships' time, and he thought he had made his case for an amendment of the clause good.

Amendment moved, lines 4 and 5 ("for the purposes of this Act be deemed to be an anæsthetic") and insert ("be used upon any wounded animal.")—(*The Lord Henniker.*)

THE EARL OF CARNARVON thought it best to keep the clause in its present form. If there were any experiments in which its use might be beneficial, a separate clause would be the best way of providing for it.

Amendment, by leave of the Committee, *withdrawn*.

Clause agreed to.

Clause 5 (Absolute prohibition of painful experiments on dogs and cats).

THE EARL OF HARROWBY moved to include in the prohibition, "or horses, or ass, or mule."

Amendment agreed to.

THE DUKE OF ARGYLL moved, in page 3, line 8, to add—

"But nothing in this section shall prevent a person holding a license under this Act from administering to a dog or a cat drugs or medicines with a view to ascertain their effect in the cure or treatment of disease, or with a view to the detection of crime."

THE EARL OF AIRLIE objected to the clause altogether. He thought no one could read the Report of this Commission without seeing that medical science had been advanced by experiments made upon living animals. Only one witness before the Commission supported the prohibition of experiments on cats and dogs—Dr. Hutton—and with regard to what Dr. Hutton laid down—namely, that you were not justified in inflicting pain on lower animals whatever benefit accrued, he (the Earl of Airlie) confessed that—without underrating the sufferings of these poor creatures—he could not put dogs and cats in the scale when there was a chance of saving the lives of men, women, and children. Dr. Taylor told them that the effect of poison on a dog was very similar to that on a human

being. Those persons who spoke of the infliction of pain on dogs and cats as demoralizing to the person who inflicted it looked only at the pain and not at the results of the experiment. He should have been glad to have been able to have supported the Amendment of the noble Duke, but in his opinion it was not sufficient to meet the case.

THE EARL OF CARNARVON thought the Amendment moved by the noble Duke (the Duke of Argyll) was somewhat unnecessary. The Bill was not rigidly confined to experiments with the knife, for the whole scope of it included drugs and medicines. He did not, therefore, feel disposed to accept the Amendment as it stood. In legislating on such a subject as that now before them, the Committee must look more to public sentiment than to strict logic. The dog especially had always been regarded as something more than a mere animal—he had been looked upon as the companion and the friend of man, into whose affections he had wormed himself. The cat also was regarded as a household pet. It was a fact that these two animals were most susceptible to pain, and that experiments performed upon them frequently inflicted most exquisite torture. He knew of an eminent physiologist and an eminent doctor, who, at different periods of their lives, had performed vivisectional operations upon the dog or cat, and he would state to their Lordships what were their experiences. In the one instance the impression made upon the operator's mind was such as to haunt him for months afterwards, and he declared that no circumstances would induce him again to perform an experiment of that kind. In the other case, the gentleman who had witnessed a similar operation determined that nothing would tempt him to witness such an experiment again. Physiologists, however, stated that there were certain valuable experiments which could only be performed upon the dog and the cat, and he had felt bound to take that fact into consideration. Under all the circumstances of the case his proposal was that whenever it was absolutely necessary that such an experiment should be made upon dogs and cats, it should be made not only under all the guarantees and provisions of the Bill relating to other animals, but that it should only be made in special cases, for which special

reasons should be assigned, and for which the consent of the Home Secretary should be specially required. He proposed to amend the clause by inserting after the word "cat" the following words:—

"Except on such certificate being given as in this Act mentioned, and that for reasons specified in such certificate and where the object of the experiment would be necessarily frustrated unless it is made on an animal similar in constitution to a dog or a cat, and no other animal is available for the experiment."

He had no objection to include horses, asses, and mules in the same category with dogs and cats. On the whole he thought it would be best to defer this branch of the question for the present, and he would, therefore, bring it forward again on the Report.

VISCOUNT CARDWELL expressed his willingness to accept the proposal of the noble Earl, which he thought would meet the views that had been stated in the discussion.

THE EARL OF CARNARVON said, that if they would pass the clause in its present form he would endeavour to bring up an Amendment on the Report which would meet the views of their Lordships.

Then Amendment (*The Duke of Argyll*) by leave, *withdrawn*; Amendment (*The Earl of Carnarvon*) *agreed to*.

Clause, as amended, *agreed to*.

Clauses 6 to 10, inclusive, *agreed to*.

Clause 11 (Certificates of scientific bodies for exceptions to general regulations.)

THE EARL OF CARNARVON moved to add the President of the Royal Society of Edinburgh, the President of the Royal Irish Academy, the President of the General Medical Council, Dublin, and the President of the Faculty of Physicians and Surgeons of Glasgow.

THE EARL OF PORTSMOUTH moved that the President of the Royal Veterinary College be also added.

THE DUKE OF RICHMOND AND GORDON said, it must be recollected that there was a College of Veterinary Surgeons as well as a Royal Veterinary College, and if the name of the President of one were inserted, he did not see how the latter could be left out. The President of the Royal Veterinary College was the Commander-in-Chief, and

it would be rather curious if His Royal Highness should have to give a certificate to Sir James Paget authorizing him to make an experiment. If the noble Earl, however, would allow the matter to stand over it should be considered by his noble Friend (the Earl of Carnarvon) before the Report.

LORD HENNIKER supported the Amendment. He was quite convinced of the importance of giving a better training to veterinary surgeons, and it seemed to him that it might do some good and could do no harm to give the powers proposed by this clause to the Presidents of Veterinary Colleges.

THE EARL OF PORTSMOUTH said, he would leave the matter in the hands of the noble Earl.

*Amendment agreed to.*

On the Motion of the Earl of CARNARVON, in page 4, line 22, after "anatomy" the words "medical jurisprudence materia medica" were inserted.

THE DUKE OF SOMERSET moved, in page 4, line 27, after "charter," to add "or a duly recognized Medical School."

THE EARL OF CARNARVON objected to the Amendment as being rather too vague.

*Amendment, by leave of the Committee, withdrawn.*

*Clause agreed to, and added to the Bill.*

*Remaining Clauses agreed to.*

The Report of the Amendments to be received on *Monday* next; and Bill to be *printed*, as amended. (No. 131.)

#### INDUSTRIAL AND PROVIDENT SOCIETIES BILL.

(*The Lord Henniker.*)

(NO. 90.) SECOND READING.

LORD HENNIKER, in moving that the Bill be now read the second time, said, he would not trouble their Lordships with a lengthened statement on the Bill at that hour in the evening. It had passed the House of Commons without opposition, he believed, and it was more a question for discussion in Committee than on the second reading, when he should, probably, move Amendments, and would explain any point which any noble Lord might wish gone into. The

*The Duke of Richmond and Gordon*

objects of the Bill were to consolidate and amend the present law, to give certain advantages to Industrial and Provident Societies which Friendly Societies enjoyed under the Friendly Societies Act of last year, and which the Industrial and Provident Societies would have enjoyed now if the original Friendly Societies Bill of 1874 had become law. So far it gave effect to the intentions of Her Majesty's Government.

*Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Monday next.*

House adjourned at Nine o'clock,  
to Thursday next, half-past  
Ten o'clock.

#### HOUSE OF COMMONS,

*Tuesday, 20th June, 1876.*

MINUTES.] — PUBLIC BILLS — *Resolutions*  
[June 19] *reported—Ordered—First Reading—*  
*Public Works Loans* \* [202].  
*Committee—Jurors Qualification (Ireland)* [127]  
—R.P.; *Offences against the Person* [1]—R.P.  
*Considered as amended—Commons* [184].  
*Third Reading—Waterford, New Ross, and*  
*Wexford Junction Railway (Sale)* \* [198];  
*Wild Fowl Preservation* \* [42], and *passed*.

The House met at Two of the clock.

#### THE SLAVE TRADE—MOZAMBIQUE. QUESTION.

MR. W. HOLMS asked the Under Secretary of State for Foreign Affairs, Whether any Report has been received from Captain Elton, Her Majesty's Consul for Mozambique, of seven dhows, containing two hundred and fifty slaves a-piece, having sailed from under an armed fort at Mozambique, while a Portuguese man of war lay at anchor at the entrance of the harbour, as reported in "The Times" newspaper for February 19th, 1876?

MR. BOURKE: No report of the nature alluded to has been received from Captain Elton. I have looked into *The Times* of the 19th of February and find no such statement as that contained in the Question. Nothing about a fort is

mentioned in *The Times*, and so far from the Portuguese man-of-war taking no notice of the dhows, as the Question would imply and impute to the Portuguese Government, the statement in *The Times* distinctly says the Portuguese man-of-war gave chase. The fact is, no report has been received of the kind mentioned in the Question. Several captures have been made of dhows sailing from Portuguese waters. There is no doubt, also, that dhows do escape from Portuguese waters. No doubt, the Portuguese Force is inadequate to deal with the slave trade, but we have been actively co-operating with the Portuguese to suppress the slave trade, and have acted in conjunction with the Portuguese in Portuguese waters on several occasions lately. We are doing what we can to suppress the slave trade in the Mozambique Channel.

**BANKRUPT BANKS, 1844-1875—  
DEFECTIVE RETURNS.**

**QUESTION.**

SIR JOSEPH M'KENNA asked the Secretary to the Treasury, Whether his attention has been called to the defective nature of the Return lately issued, purporting amongst other things to set forth the number of Banks in England which have become bankrupt or stopped payment, for every year from 1st January 1844 to the 1st July 1875, being a Return to an Address of this House of 19th of July 1875; and, whether hon. Members may expect to receive an amended Return, and when?

MR. W. H. SMITH: Yes, Sir; my attention has been called by the Question of the hon. Gentleman to the defective character of the Return; but the Treasury is not in any way responsible for the Return. The Order of the House was addressed to another Department, and the Return laid on the Table by another Department. I will communicate with the officials of that Department, and endeavour to give him more information.

**PARLIAMENT—ARRANGEMENT  
OF PUBLIC BUSINESS.—QUESTIONS.**

MR. W. E. FORSTER asked what would be the Business on Thursday? The right hon. Gentleman stated that

the Prisons Bill would be taken, but he left the matter in some doubt.

MR. DISRAELI: I stated, in indicating the course of Business this week, that on Thursday we proposed moving the second reading of the Prisons Bill; whereupon the hon. Baronet (Sir Walter Barttelot) suggested that that should be postponed in consequence of the impending meeting of the courts of quarter sessions, and I stated I would consider the point. I have considered it, and I must say I see no cause to change the original plan of the Government. Had it been a Motion to go into Committee on the Prisons Bill I should have recognized at once the validity of the objection, for no doubt the courts of quarter sessions are very competent to make, and may make, very valuable suggestions on matters of detail; but as the Motion on Thursday is for the second reading of the Bill, involving the principle on which it is founded, it appears to me the discussion would rather facilitate the discussion of details by the quarter sessions, because they will then become acquainted with the real scope of the measure. Under the circumstances, I shall adhere to the plan which I announced yesterday, and on Thursday we propose to move the second reading of the Prisons Bill.

MR. W. E. FORSTER: Is there to be a Morning Sitting on Friday?

MR. DISRAELI: Yes, there will be a Morning Sitting on that day.

MR. BERESFORD HOPE wished to know whether a day was fixed for the second reading of the Cambridge University Bill?

MR. DISRAELI: I assumed that it was the general feeling that we should not advance in our plans of business beyond a week. It is held that that is the best course to pursue, and, generally speaking, that towards the end of the Session it would be advisable for those who are responsible for the conduct of Business to mention at the beginning of the week the course of Business for that period.

LORD EDMOND FITZMAURICE asked whether the second reading of the Cambridge Bill would be taken before going into Committee on the Oxford Bill?

MR. DISRAELI believed that arrangement was acceded to by all parties—it was a general understanding.



## COMMONS BILL—[BILL 184.]

(Mr. Assheton Cross, Sir Henry Selwin-Ibbetson)

## CONSIDERATION.

Bill, as amended, *considered*.

MR. SHAW LEFEVRE asked what the Government intended to do in reference to the inclosure schemes which had been sanctioned by the Inclosure Commissioners, and which were at present under the consideration of the House?

MR. ASSHETON CROSS, in reply, said, it was his intention that these schemes, having passed the Inclosure Commissioners, should be referred to Mr. Caird to report on them to the House whether any of them ought to go on or not. After further consideration, he thought all those schemes had better come under the operation of the present Bill and begin *de novo*. He was bound to say it was a question fairly to be considered whether the Treasury might not be asked to refund the money deposited by those who promoted these schemes.

MR. FAWCETT said, the statement just made by the right hon. Gentleman would be received with much satisfaction both within and out of the House.

SIR CHARLES W. DILKE moved, after Clause 14, to insert the following Clause:—

"In any application to grant an injunction against the inclosure of land when it is upon the hearing of the case proved that the same is common or commonable, it shall not be necessary that the applicant should have rights of common in the same."

The object of the clause was merely to render security against illegal inclosures more easily obtainable.

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. ASSHETON CROSS said, he did not think the clause necessary, and considered it would, if accepted, practically interfere with private property. He did not think there would be any difficulty in getting a person who had a real interest in the common to set the law in motion.

MR. SHAW LEFEVRE said, he thought the clause desirable, and was prepared to support the Motion of the hon. Baronet.

MR. GREGORY, in opposing the clause, said, it would, if accepted, operate as a violation of the principle that whoever set the law in motion should have an interest in the matter. As the Bill now stood, sufficient security against any such course as the hon. Baronet apprehended was provided.

MR. BRISTOWE said, he had a somewhat kindred Motion on the Paper, and he was apprehensive, from the manner in which the right hon. Gentleman the Home Secretary had expressed himself, he would not receive it favourably. He should, however, submit it to the consideration of the House. He regretted that the Government could not accept the Amendment of the hon. Baronet.

LORD HENRY SCOTT said, it did not strike him they would gain any advantage by adding the clause to the Bill.

MR. LEEMAN said, there was a distinction to be drawn between land that was commonable and other land. This clause proposed to deal not only with commons, but commonable land. If they passed this clause, they would give a perfect stranger a right to apply for an injunction against an inclosure.

MR. WHITWELL said, the sole object of this clause was to give persons who had certain privileges in connection with commons, without possessing an actual legal interest, an opportunity of opposing illegal inclosures, and he therefore supported it.

MR. FAWCETT said, that whatever technical objections might be made to the clause, it was intended to meet in a direct and practical way a great evil. It was said that the clause would produce no good, or little good, now that the Home Secretary had consented to refer such cases to the County Courts. But the difficulty in the case of such illegal inclosures was to find some one who, being a commoner, would undertake the responsibilities and bear the brunt and expense of an action to prevent such inclosures at the time they could be most successfully resisted. In the case of Epping Forest, the inhabitants of the metropolis would have lost the whole of that open space but for the

mere accident of finding a commoner who had a legal interest in the forest willing to undertake the duty. The Bill of the Home Secretary gave no new security against illegal inclosures. What the hon. Member for Chelsea wanted was that the public should have the power to prevent such inclosures; and how could that clause be objected to by the Home Secretary, who admitted that the public had an interest in the preservation of these commons? The right hon. Gentleman himself admitted the principle in the case of village greens. Why not apply it also to commons?

MR. BERESFORD HOPE said, the question was one of machinery to prevent illegal inclosures, and the proposals before the House went too far. Instead of giving a Roving Commission to anybody, whether he had an interest in the matter or not, it would be better to empower some constituted regular body—such, for instance, as the parish officers. If the clause was more restricted it would be more workable, and he hoped the hon. Member would not press it to a division.

SIR CHARLES W. DILKE said, he would not press his clause to a division if the Home Secretary held out any hope that a clause, however limited, aiming at the object of that now under discussion would be introduced. He had no objection to accept a limitation to freeholders residing in the parish. As the Home Secretary did not make any concession he should divide the House.

Question put.

The House *divided*:—Ayes 91; Noes 178: Majority 87.

MR. BRISTOWE moved, after Clause 14, to insert the following Clause:—

(Prevention of illegal inclosures.)

“From and after the passing of this Act any person making, or procuring to be made, any illegal inclosure of a Common shall forfeit the sum of one hundred pounds to such person as will sue for the same: Provided, That no action for the recovery of such sum shall be brought after the expiration of one year from the date of the said inclosure.”

Clause *brought up*, and read the first time.

Motion made, and Question proposed, “That the said Clause be now read a second time.”

MR. ASSHETON CROSS said, he hoped the hon. Member would not press the clause to a division, as the same objection would apply to it as to the clause which had just been rejected. Besides, it would make a man who believed he was exercising a legal right liable to a criminal prosecution for doing so.

MR. SHAW LEFEVRE supported the clause, on the ground that if a man did an illegal act it was right he should be punished, and that the inclosures of the last 10 years were a public scandal.

MR. GREGORY said, the simple effect of the clause would be to make a man who might be mistaken in the assertion of a civil right liable to a criminal prosecution.

MR. BERESFORD HOPE also opposed the clause, which he considered was intended for the propagation of that most hateful class of vermin—common informers.

MR. COWPER - TEMPLE said, a man in the exercise of what he thought a civil right might do a great injury to many persons, and ought to be punished if he acted illegally.

MR. GOLDNEY opposed the clause as vicious in principle, expressing his belief that if it were adopted, they would soon have to pass an amending Act to repeal it.

Question put.

The House *divided*:—Ayes 95; Noes 188: Majority 93.

MR. SANDFORD moved, after Clause 18, to insert the following clause:—

(Notice of improvements or inclosures.)

“Where any person intends to approve or inclose, otherwise than under the provisions of this Act, the whole or any part of a Common or of the waste land of a manor, he shall, six months at least before commencing the improvement or inclosure, give notice of his intention to the Inclosure Commissioners, and furnish them with all such information and particulars as they may require; and if it should appear to such Inclosure Commissioners that there is good reason for resisting such improvement or inclosure, it shall be lawful for them to take all such legal proceedings and other steps as may be necessary for compelling the discontinuance of or for preventing such improvement or inclosure, in the same manner as if they were interested in such Common or waste as commoners, and any expenses incurred by them for this purpose shall be defrayed by them out of any moneys in their hands applicable to their general expenses.”

He justified the clause upon the ground that it was the practice of the lords of the manors to encroach upon the commons when they knew that the commoners were too poor to incur the expenses of a Chancery suit in resisting an encroachment of the kind. The clause would put the Commissioners in exactly the same position as the commoners, and they would thus have a legal right to resist those illegal inclosures.

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. ASSHETON CROSS said, he was sorry to have to oppose those clauses one after the other, as there was not anyone more anxious than himself to provide against illegal inclosures; but there were great practical difficulties in the way, as it was impossible at the outset to distinguish between legal and illegal inclosures. Under those circumstances, all he could do was to give a summary jurisdiction in the matter to the County Courts; and he believed that would have the effect of putting an end to illegal inclosures without interfering with private rights. Again, he thought the House ought to hesitate before it sanctioned any payment out of the public purse for such litigation as that contemplated by this clause.

MR. BERESFORD HOPE believed that the charge upon public funds would be very slight, and he added that he thought that the clause, with some alterations, would meet the circumstances of the case.

MR. GOLDNEY thought it unwise to entrust to the Inclosure Commissioners such vague and indefinite powers, and to give them the command of the public purse in carrying them out. He reminded hon. Members that the clause was practically the same as one which had been rejected by a large majority when the Bill was in Committee.

MR. HERSCHELL thought that with a little alteration the proposed clause might be made a very useful and practical provision. When public rights were interfered with they should be protected by some public body, and

such protection would be a perfectly legitimate object to which to apply public money.

MR. ASSHETON objected to the clause because it would either be useless or mischievous, and should therefore vote against it. A man who knew that his inclosure would be illegal would not give notice of it; whilst those who were doubtful about the matter would give notice in order to see whether or not any objection would be taken.

MR. FAWCETT believed that the Government had made up their minds to resist all improvement in the Bill. They had opposed this clause, which was the last of the many clauses on the Paper, designed to resist illegal inclosure. He wished to point out a very important consideration that had been omitted in the debate. The Bill professedly would greatly increase the difficulty of inclosure through Parliament, and therefore lords of the manor would have a strong inducement to resort to illegal means to carry out their object.

MR. RUSSELL GURNEY considered the hon. Member for Hackney was not justified in saying there was an intention on the part of the Government to resist any proposal which would improve the Bill, because the Amendments proposed by himself and his Friends had been negatived. As regarded this particular clause, he did not see any objection to it, and thought the Commissioners would be a very good body to carry out the duties proposed to be imposed upon them. He did not think that it would be a bad appropriation of public money to devote it to the purpose of preventing illegal inclosures.

LORD EDMOND FITZMAURICE suggested, on behalf of the hon. and learned Member for Durham (Mr. Herschell) that the clause should be amended by the alteration of the term of notice from six to three months, and the insertion of the words "in the interests of the public."

MR. SHAW LEFEVRE, although the clause did not go so far as he should wish, and was not exactly in the form which he should desire, would nevertheless give it his hearty support.

MR. SANDFORD said, he would adopt the suggestions that had been made if the clause was accepted by the House.

*Mr. Sandford*

Question put.

The House *divided*:—Ayes 155; Noes 189: Majority 34.

MR. SHAW LEFEVRE moved, after Clause 18, to insert the following clause:—

(Allotments for recreation and gardens.)

"The provisions of the Inclosure Acts 1845 to 1868 which authorize the Inclosure Commissioners to require allotments for exercise and recreation, and allotments for field gardens for the labouring poor to be made upon any inclosure of a Common which is waste of a manor, or subject to unrestricted rights of Common, shall extend to authorize them to require such allotments to be made upon any inclosure of Common which is not waste of a manor or subject to unrestricted rights of Common."

Clause *agreed to*, and *added to* the Bill.

MR. WHEELHOUSE (for Sir HENRY PERK) moved, in page 16, after Clause 18, to insert the following clause:—

(Gravel digging.)

"After the passing of this Act, where any Common is regulated pursuant to this Act by a Provisional Order of the Inclosure Commissioners confirmed by Parliament, or is the subject of a scheme confirmed by Parliament under the provisions of 'The Metropolitan Commons Act, 1866,' or 'The Metropolitan Commons Amendment Act, 1869,' or (being situate within the Metropolitan police district) is the subject of any private or local Act of Parliament having for its object the preservation of such Common as an open space, no surveyor of highways or highway board constituted in pursuance of the Highway Acts, or trustees of any turnpike road, shall search for, dig, get, or carry away gravel, sand, stone, or other materials in or from such Common without the consent of the person or persons having the regulation or management of the same, or in default of such consent, without an order of two or more justices in petty sessions assembled, and acting in and for the petty sessions division in which such Common is situate, who may in their order prescribe such conditions as to mode of working and restitution of the surface as to them shall seem expedient."

Clause *brought up*, and read the first and second time, amended, and *added to* the Bill.

LORD EDMOND FITZMAURICE moved, after Clause 21, to insert the following clauses:—

(Field gardens to be free of rent-charge.)

"There shall be repealed so much of the Inclosure Acts 1845 to 1868 as relates to the charging of an allotment made for the purpose of a field garden with a rent-charge, and every such allotment made after the passing of this Act shall be made free of all charge."

(Allotments for recreation grounds to be vested in churchwardens and overseers.)

"There shall be repealed so much of the Inclosure Acts 1845 to 1868 as provides that an allotment made for the purpose of a recreation ground may be allotted to any person entitled to an allotment under the inclosure, and every such allotment made after the passing of this Act shall be vested in the churchwardens and overseers for the time being of the parish in which the same shall be situate, and shall be held by them as provided by the Inclosure Acts 1845 to 1868."

Clauses *agreed to*, and *added to* the Bill.

LORD HENRY SCOTT moved the following clause:—

(Six months' notice of claim to inclose to be given in the "London Gazette" and local papers.)

"Any person intending to inclose or approve a Common or part of a Common otherwise than under the provisions of this Act shall publish, at least six months beforehand, a notice of his intention to make such inclosure, for three successive times, in the "London Gazette" and in two or more of the principal local newspapers in the county, town, or district in which the Common or part of a Common proposed to be inclosed is situate."

Clause *brought up*, and read the first and second time.

MR. ASSHETON CROSS accepted the principle of the clause, but suggested that three months' notice should be substituted for six months, and that *The London Gazette* should be struck out. It would also be desirable to add a Proviso that a copy of the newspaper should be evidence of the notice having been published.

Clause amended, and *added to* the Bill.

MR. COWPER-TEMPLE moved in Clause 8, page 7, line 4, at end, to add—

"Provided, That the Inclosure Commissioners shall not entertain an application for the inclosure of a Common or a part of a Common which is situate in or within one mile of any town comprising a population which exceeds 5,000; or in or within two miles of any town comprising a population which exceeds 10,000; or in or within three miles of any town comprising a population which exceeds 20,000; or in or within four miles of any town comprising a population which exceeds 50,000; or in or within five miles of any town comprising a population which exceeds 100,000; or in or within six miles of any town comprising a population which exceeds 200,000. When part only of any Common subject to be inclosed is situate within the aforesaid distance from the town, such part

shall be deemed for the purposes of this Act to be a distinct Common from the part which is not situate within the aforesaid distance from the town."

The right hon. Gentleman explained that he proposed the Proviso in substitution for the Amendment he had moved in Committee. The objection to that Amendment had been that it interfered with the general scope of the Bill. This Proviso possessed the advantage of harmonizing with the purposes of the Bill. It applied to principal towns the same regulations that existed in the metropolis under the Metropolitan Commons Act. Ten years' experience of this Act showed its application to be advantageous to the public, without infringing the rights of property.

Question proposed, "That those words be there inserted."

MR. ASSHETON CROSS said, the question had been practically discussed in the Committee, though not actually in the same form. The Government could not accept the Proviso, which was against the scheme of the Bill. He did not want to inclose those commons any more than the right hon. Gentleman did, but he must adhere to the scheme of the Bill, which allowed every common to stand upon its own merits. There was a clause empowering the authorities of any town interested in a common to appear before the Commissioners, and therefore unless there was a strong ground in favour of the inclosure it was not likely to be allowed.

MR. BERESFORD HOPE contended that the Amendment was in no way opposed to the spirit of the Bill. It simply secured to towns any vacant spaces to which they might be entitled, and was for the purpose of facilitating the establishment of town parks. He hoped that the words would be accepted by the Government.

Question put.

The House divided:—Ayes 131; Noes 223: Majority 92.

MR. FAWCETT moved in Clause 12, page 13, after sub-section (7) to insert—

"(7a.) On a request in writing signed by 12 inhabitant ratepayers of the parish in which the Common is situate to which a draft Provisional Order relates (whether such ratepayers are persons legally interested in the Common or

not), the Inclosure Commissioners shall cause a public meeting to be held by an Assistant Commissioner at a suitable time and place for securing the attendance of the neighbouring inhabitants to consider such draft Provisional Order; and the provisions in this Act contained relating to the notice to be given of public meetings held by the Assistant Commissioner, the conduct of such meetings, and the report to be made to the Inclosure Commissioners respecting such meetings, shall apply to meetings held to consider a draft Provisional Order: Provided, That, if it be so requested in the aforesaid written request, the said meeting shall be held in the evening between the hours of seven and ten of the clock."

His object was to enable the public to express its opinion upon any contemplated inclosure, not only before the conditions of the inclosure were known, but also after the Provisional Order had been issued.

Question proposed, "That those words be there inserted."

MR. ASSHETON CROSS was unable to accept the Amendment, which he thought unreasonable. Under the Bill there was in the first instance to be had an inquiry before a Commissioner, when everybody would have an opportunity of stating his case, and then it was for the Commissioner in his *quasi* judicial capacity to form his conclusion. Then the Provisional Order would be sent down, and anybody might raise objections to it, the Inclosure Commissioners having power to modify the scheme.

Question put, and negatived.

MR. GREGORY moved, in Clause 12, page 14, line 20, to insert as sub-section 11—

(Supplemental power to modify Provisional Order after expediency certified.)

"If after the presentation to Parliament of a Report made by the Inclosure Commissioners certifying the expediency of any Provisional Order for the regulation or inclosure of a Common, and before a Bill has been brought in for the confirmation of such Order, such Report is referred to a Committee of either House of Parliament for consideration, and such Committee recommend that such Provisional Order should not be confirmed by Parliament except subject to certain modifications, the Inclosure Commissioners may modify the Provisional Order accordingly, but such modifications shall not be of any validity unless they are consented to in the same manner as if they had formed part of the draft Provisional Order originally deposited by the Commissioners;

"And it shall be the duty of the Commissioners to take the necessary steps for ascertaining whether such consent as aforesaid can be obtained or not, and if such consent be obtained,

*Mr. Cowper-Temple*

the Commissioners shall make a special report to the effect that the order has been modified as aforesaid and such consent duly obtained, and such report shall be presented to Parliament; and thereupon the order so modified shall be deemed to be in the same position in all respects as if it were an order in respect of which a report had been made by the Commissioners certifying the expediency thereof, and such report had been presented to Parliament."

*Amendment agreed to.*

Bill to be read the third time upon *Thursday*.

#### JURORS QUALIFICATION (IRELAND)

BILL—[BILL 127.]

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

#### COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Qualification of jurors).

MR. BUTT had put the following Amendment on the Paper, in page 3, line 13, at end, to add:—

"Provided also, That in any county of a city or county of a town, every person residing within such distance of twelve miles, computed as aforesaid, and who shall be a director or manager of any Banking, Railway, Insurance, Steamship, or Shipping Company incorporated by any Charter or Act of Parliament, and having an office or place of business within such county of a city or county of a town; or who shall be a director or manager of any other Company carrying on any trade or business for profit within such county of a city or county of a town; or who shall be a member of any Board or Harbour Commissioners or other body entrusted under the provisions of any Act of Parliament with the management of the port, harbour, or docks of such city or town; and in every such case the name and the residence of such juror shall be stated in the proper column, so as to describe both the office or place of business of the company or board to which he belongs, and also the place where he actually resides; and any summons for the attendance of such juror sent by post to the place so stated as his actual place of residence shall be deemed to be duly served."

SIR MICHAEL HICKS-BEACH said, he proposed an Amendment similar to that of the hon. and learned Member for Limerick, who was absent. It was to insert in the clause words—

"Providing that any person who should be a director or manager of any Banking, Railway, Insurance, Steamship, or Shipping Company, or any other Company incorporated by charter or under any Act of Parliament, or a Harbour or

Dock Commissioner, should be liable to service as a juror."

*Amendment agreed to.*

SIR MICHAEL HICKS-BEACH, in reference to a complaint made by the hon. Member for Carlow (Mr. Bruen) as to persons being liable for service in both county and borough, said, that his feeling was that those who were qualified in two places should be called upon to serve in both, but he would look into the particulars of the complaints of the hon. Member.

Clause, as amended, *agreed to*.

Clause 3 (As to jurors' property qualification).

SIR MICHAEL HICKS-BEACH proposed to leave out the words "Juries Procedure (Ireland) Act."

SIR COLMAN O'LOGHLEN hoped the right hon. Baronet did not intend to drop the Juries Procedure Bill, and he sincerely hoped it would be passed this year.

SIR MICHAEL HICKS-BEACH said, it was not his intention to drop it; but he did not want to refer in this Bill to another which was not yet law.

*Amendment agreed to.*

Clause, as amended, *agreed to*.

Clauses 4 and 5 *agreed to*.

#### Schedule 1.

MR. M'CARTHY DOWNING moved, in page 5, line 6, to leave out "50," and insert "40." The former was too high, and in his own county alone—one of the best counties in Ireland—it would take off the list no less than 2,000 liable to serve as jurymen. He had looked carefully into Returns affecting this point, and he found that in five Unions in Cork there were on a rating of £30—which amounted in Ireland to a rental of £45—1,892 persons. If the increased rating of the Bill were adopted, those 1,892 persons would be reduced to 657—that was to say, two-thirds of those at present qualified to serve in the county of Cork would be struck off absolutely. Upon the evidence of the sheriff of the county of Cork 1,000 jurors would be required for the two Assizes and the different quarter sessions; but with the increased qualification it would be utterly impossible to get those jurors

unless by having those qualified summoned a second time, which was not the object of the Bill. In the Committee on this very Bill there was no particular evidence in favour of the qualification being raised. The evidence was only of a general character, and he hoped that the Government would consent to the alteration from £50 to £40.

SIR MICHAEL HICKS - BEACH thought the feeling of the Committee would be almost unanimous that there were very strong reasons for a considerable increase in the rating qualification of Irish jurors. The question really was, whether under the figures chosen in the Bill they would get a sufficient number of jurors? Returns on the Table showed that in Cork County there would be an ample number. In the county 2,220 jurors would be required, and according to the qualification fixed in the Bill for the occupation of lands, tenements, and hereditaments, there would be 3,695 persons available. Then under the household qualification there would be 1,785 more persons, making nearly double the number that was required. Under these circumstances he thought the Committee would be of opinion that, so far at all events as the county of Cork was concerned, the qualification was sufficiently low. He regretted that he could not accept the Amendment. If any reduction were made it would be better to make it in the value of the houses than the value of the lands, tenements, and hereditaments. The test of a man's capacity and intelligence was much more the house he lived in than the land he might occupy. ["No, no!"] In saying that he was only expressing the opinion which he had expressed with regard to jurors in England.

SIR COLMAN O'LOGHLEN said, he could not agree with his hon. Friend the Member for Cork. He was one of those who thought that the qualification ought to be much higher than it was; but, at the same time, he was against any selection of the sheriff or things of that kind, by which an improper jury was obtained. From his own experience of the county of Cork he thought ample jurors could be got at £50 a-year.

MR. M'CARTHY DOWNING said, neither the right hon. Baronet nor his right hon. and learned Friend who had just spoken had answered him. He had

stated that in five Unions the number of jurors would be reduced by the increased qualification from 1,892 to 657. In the Returns quoted by the Chief Secretary it must be borne in mind that a number of persons were included who by the Act of Parliament were exempted and disqualified. Instead, therefore, of there being 3,600 available, it might, he fancied, be more nearer the mark to say the number was only 1,600.

MR. BRUEN said, they started on a wrong basis. They began by making the qualification altogether too low, and hence they had been obliged gradually to go upwards. They should have provided as high a qualification as they possibly could, and then gradually reduced it. It was desirable to enlist in the administration of justice a larger number of persons; but he altogether denied that they were to educate jurors at the expense of suitors.

CAPTAIN NOLAN said, the counties in Ireland were divided into three different sets, and the rating in them was different. In one a man was liable to serve on a jury if his qualification was £12; in another if his qualification was £10; and in the third if his qualification was £6. That was an objectionable proceeding. In Galway and Mayo, where there was not the slightest difference in the condition of the people, the rating was £12 in the one county, and £6 in the other. He thought in the Schedule there should be a change to £8 altogether.

MR. LAW said, that the figures given by the hon. Member for Cork (Mr. Downing) tended to different conclusions from those at which the right hon. Baronet opposite had arrived. In a matter of this kind, however, he did not feel himself in a position to differ from the Government. With them, on the one hand, rested the responsibility, whilst, on the other hand, they had every means of obtaining the requisite information. Possibly, some reduction might be made in the house qualification, which he agreed with the right hon. Baronet was a more satisfactory test of a man's competency to act as juror than the acreage he might happen to hold. Such a reduction might meet the views of his hon. Friend behind him.

SIR MICHAEL HICKS-BEACH said, he was very anxious to conclude the

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Bill that day. The hon. Member for Cork had kindly furnished him privately with figures with regard to his own county; but he (Sir Michael Hicks-Beach) had had no opportunity of going fully into the matter. If the hon. Member would consent to postpone the question, he would undertake on the Report to discuss the matter more fully with him.

SIR JOSEPH M'KENNA reminded the right hon. Baronet that the hon. Member for Cork, although one of the most trusted Representatives, was not the Member for all Ireland, and as other hon. Members with their constituencies were interested in the subject, they should have an assurance from the right hon. Baronet that he would so modify the qualification as to reduce it to £40 in all counties.

MR. M'CARTHY DOWNING said, his Amendment dealt with the whole of Ireland. He must say that he was afraid if the question had depended upon his hon. Friend who had just sat down, they would not have had a discussion at all.

SIR JOSEPH M'KENNA said, the Amendment did apply to the whole of Ireland, but what he meant was, that the undertaking of the right hon. Baronet to discuss the matter applied only to the county of Cork.

MR. MITCHELL HENRY said, the question amounted to the oscillation of the pendulum to the other extreme. He thought the House was entitled to a full explanation of the Chief Secretary and the Law Officer of the Crown as to the arrangement of rating, for the statement of the hon. and gallant Member for Galway was an extraordinary one. The Schedule ought to be postponed altogether. The Chief Secretary had told them that in Cork there would be a certain number of jurors. An hon. Member, who knew that county well, declared that the Chief Secretary was entirely mistaken, and that the increased qualification would cut off 2,000 of the existing jurors. Was that to be done at half-past 6 o'clock, when hon. Members from Ireland connected with the law were not present? He moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (Mr. Mitchell Henry.)

SIR MICHAEL HICKS-BEACH hoped the Motion would not be pressed. The Bill did not propose for the first time a difference in the qualification for jurors in different counties. On the contrary, that difference had existed since 1871, if not before. He had no wish to shut out any discussion, but he hoped they might be allowed to conclude the Committee that day, and then the question could be again discussed on the Report.

CAPTAIN NOLAN said, that they were quite willing to consent to the postponement of the Schedule, but they were not willing to pass it then.

THE O'CONOR DON said, it was wrongly assumed that the poor people were anxious to serve on juries. It was an advantage to a poor man if they could get jurors to serve without coming down to him, as serving on juries was really a penalty on such a man, as he had often to leave his farm and neglect his work at critical seasons in order to serve. He appealed to his hon. Friend not to press the Motion, but to accept the proposition of the Chief Secretary.

MR. MITCHELL HENRY remarked that if there was no other reason why the debate should be adjourned, the speech they had just heard was sufficient. He would recommend his hon. Friend to read some constitutional history. The sole object of empanelling a jury was not that the trials should go on, but the qualification of jurors concerned the doctrine that every man should be tried by his peers. To say that Irish farmers did not wish to be placed on juries was a thing which he did not believe. If it was so, that House should teach them better. They should be taught to appreciate the value of trial by jury. If they did not, the reason was, that in former days the jury system — ["Question!"] He thought, however, they were now getting into a proper condition; but whether the farmers liked it or not, he claimed for them the privilege of being placed on the jury list.

MR. BIGGAR complained that the Bill was being pushed on without discussion.

SIR MICHAEL HICKS-BEACH said, as there were only six minutes left, he would postpone the Schedule.

Motion and Amendment, by leave, withdrawn.



Schedule *postponed*.

Schedule 2 *postponed*.

Schedule 3.

SIR MICHAEL HICKS-BEACH said, the question of exemption had better be dealt with under the Procedure Bill.

Schedule *agreed to*.

Schedule 4 *agreed to*.

It being now ten minutes to Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

SIR MICHAEL HICKS-BEACH said, he had hoped that they would have got through Committee that day. As it was important the Bill should become law in a very short period of time, he was authorized to state that it would be taken as the First Order on Thursday.

CAPTAIN NOLAN: This Bill?

SIR MICHAEL HICKS-BEACH: Yes, this Bill.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

#### NAVY—PUNISHMENT OF FLOGGING.

##### RESOLUTION.

MR. P. A. TAYLOR: I rise, Sir, to ask the House to affirm that our great naval service, our Navy, England's traditional pride, shall no longer be the only service which, under the guise of the maintenance of discipline, maintains the punishment of the cat,—that cruel and brutalizing punishment. There are, I am aware, many Members of the House—for they have said so to me during the last few days—and I am sure there must be a great many persons out of the House who are surprised at the Motion of which I have given Notice, because they were under the impression that flogging in our military and naval Services was altogether done away with. I confess I was almost entirely of that opinion myself. I was aware that in regard to the Army a certain nominal reserve had been made, that flogging might still be resorted to in time of war; but I was quite sure that that punishment was obsolete as regards the Army, for I was sure that no general would flog a soldier in presence of the enemy. I thought in regard to the Navy—

Notice taken that 40 Members were not present; House counted, and 40 Members being found present,

MR. P. A. TAYLOR said: I was observing, Sir, that there was a widespread impression in the country and among Members of this House also that practically the punishment of flogging had been abolished both in the Army and the Navy, although in the Army the reservation was still maintained, but still that was only in time of war, and it was perfectly understood that it could never be had recourse to in the Army. In regard to the Navy we were told, if I recollect aright, that practically flogging was abolished also, and that the system which had obtained in the Army for some time before was now established in the Navy—that the whole force was divided into two classes, the upper and the lower, and that the upper could not be subjected to flogging at all; that in case of any serious crime being committed by a man he would first be punished by being degraded to the lower, and if he offended after that he would probably be dismissed the Service, but that he certainly could not be flogged while in the first class. That has turned out to be a delusion. I, of course, charge no one with an attempt to deliberately deceive the House; but I must say that the House and the country were deceived when it was discovered that this division into the upper and lower classes does really make no difference whatever in respect to flogging, or in regard to the summary power of punishment by the commanding officer in respect to flogging, and that in great measure the flogging went on as before, and was equally applicable to both classes. I shall be probably asked how this is. Members will say we succeeded in a long series of years in abolishing it in the Army, and we thought we had succeeded in stopping it in the Navy. I should say that this was the main cause, that the friends of this degrading and cruel mode of discipline could not stand the annual discussion in the House of Commons of the Mutiny Bill, which, of course, is the Bill under which this discipline is maintained, and which has to be passed every year. The Naval Discipline Act under which the affairs of the Navy are managed, as the House knows, may go on for a series of years until the Bill

needs alteration. I cannot help thinking that the right hon. Gentleman the First Lord of the Admiralty is really with me in the Motion I am making now, and if he does not feel at liberty to grant it, as I hope he may, but thinks I can assist him in that humane wish by making this an annual Motion in the House of Commons, I can promise him that I shall be happy to comply with his desire. It has been said that there is a decided difference in regard to the necessity of this measure in the Navy as compared with the Army. I venture to differ from that altogether, and to think that if there is any distinction to be drawn flogging should be less prominent in the Navy than in the Army. The sense of responsibility in a commander of a ship at sea is incomparably less than that of a general commanding an Army. Many things may be done at sea, where there is no public opinion to fear, and where there are no reports in the public newspapers. If, therefore, there should be a difference made between the two, flogging should certainly be abolished in the Navy before it was abolished in the Army. The history of flogging in the Navy may be thus briefly stated. Up to about the year 1820 the sentences were of the most frightfully cruel character; I find sentences from 300 to 400, and even 500 lashes, repeatedly ordered. From 1820 for about 20 or 25 years there was some moderation in this excessive brutality, and the lashes diminished to about 100. About the year 1844, when that distinguished commander, Sir George Cockburn, was the First Lord, the first great blow was struck at this infinity of brutality. He first limited the number of lashes to be given to 48, and then decided that they could only be enforced by court martial, or be given upon summary order only by warrant of the captain, and it required that 12 hours should elapse after the signing of the warrant before the punishment should be inflicted. Sir George Cockburn was known to be a great disciplinarian; but I need not say that the upholders of that discipline looked upon his conduct as destructive of the Service, and as altogether ruinous. In the year 1860, I think it was, the change of which I have already spoken—the dividing the Service into two classes—was passed. I have already shown that this was a mere farce, that it had not

affected the decision of court martials at all, and whether it was the result, I do not know, but I observe that the number of court martials ever since that time has been very much greater. The number of convictions by court martial in 1862 was 141; in 1863, 140; in 1864 it was 97, and in 1875 there were 235 convictions by court martial. But the real evil is not in this question, not in the amount of lashes inflicted, or the number of persons who are subjected to it. While flogging is permitted at all at sea there must always be irregularity, always causes of discontentment going on, which are beyond the limits of the law. I need not give the right hon. Gentleman the First Lord chapter and verse for these statements—he does not need it from me, because he knows the facts himself. A man was illegally flogged on the Pacific Station for assaulting a Consul in a row on shore, another man was illegally flogged by the lieutenant of a training brig for disobedience, and I can even tell him of cases in the West Indies where two boys were flogged with the cat. These two lads were too young to enjoy the advantage of being flogged, the cat was too dignified a weapon, they should only have been birched, and so the commander raised them to the rank of seamen, in order to entitle them to be flogged with the cat. Now, I know the right hon. Gentleman is not inexorable in his decisions when reason is brought to bear upon him. When I asked him last year to resume the Returns which used to be made some years ago of crimes and punishments in the Navy, he was inexorable at the time. He said they were useless and expensive; but I am glad to see this year that to some extent he has granted these Returns, which used to be issued under the presidency of the Duke of Somerset and Lord Clarence Paget. If the right hon. Gentleman will not be persuaded to get more full Returns issued, we shall have to trouble him with a Motion asking him to do so. If flogging is to be maintained, it is doubly and trebly essential that there should be responsible Returns from those who have power to inflict such punishment. Now, in the Returns he has given us there is no sub-division at all; it is divided into the squadrons at home and the squadrons abroad, and without mentioning the name of any in-

dividual ship. There is in fact, therefore, no means of testing the value of these Returns, and of ascertaining if mistakes take place—and they do take place sometimes, for it has been known that punishments have been given and not been returned. Under these Returns there is no test, no means of ascertaining if they are correct. If they were given in full there would be plenty of witnesses from every vessel to say there are no Returns from such a vessel, or there are no particulars of a punishment which we remember was given at such a place. I entreat the right hon. Gentleman not to think the noblest symbol of our civilization is the cat. We have all heard the story of the man who was wrecked on a desolate and apparently uninhabited island, casting his eyes up to a height and seeing a gallows there, exclaimed—"Thank God, I am in a civilized land!" I venture to think that the cat is not the noblest emblem of civilization the great British people should cherish. There is a chaplet of laurel yet to be given to the man who will do away with this wretched punishment: will the right hon. Gentleman permit me to place it on his brow? If he will assure the House that he will bring in the long-promised amendment of the Naval Discipline Act, and say that it will exclude this cruel and brutalizing punishment, I need not say how gladly I will withdraw this Motion to-night. Of course I shall be told that the lash is very infrequently inflicted, that the number who suffer from it is less than it was; but I maintain that this is altogether an argument on my side of the question. I find the floggings last year under court martial were 7; they were all from 36 to 48 lashes; and they were all accompanied with severe sentences besides—18 months or two years' hard labour. Now, Sir, if I were not convinced that no modification of this system were of any use, and the only thing to look to were its entire abolition, I would stop to point out the needless cruelty of this amount of lash. It is well recognized that the punishment by flogging in the Navy is very much more severe than that practised in the Army. It has been held that 50 lashes on ship-board are equivalent to 200 in the barrack-yard, and it is, I believe, a well-recognized fact that the sufferer himself ceases almost entirely to feel after the first two dozen

lashes—that at that time his back is so smashed and his nerves so destroyed, that he feels nothing more then. Every lash after that deducts something from the vitality and constitutional vigour of that man. I will say nothing about the boys who are flogged; they are numbered by the hundred. I venture to say that there is no excuse whatever for the retention of this punishment in the Navy. In the year 1860, when naval discipline was re-modelled and re-formed, Lord Clarence Paget, than whom it will be admitted on both sides of the House I could not name a higher authority, said in this House—

"If any should think how Draconic they still appear, I pray them to bear in mind that we have to deal with a great body of men of all classes, often drawn from the very dregs of society, who too frequently enter the Navy without religious or moral principles, and with tainted morals, and who are rarely improved by being boxed up together, as it were, in a ship."—[3 *Hansard*, clx. 1651.]

But the noble Lord distinctly looked forward to the time, and not a distant one, when flogging in the Navy should be altogether abolished, and said—

"I cannot resist the pleasure of reading to the House certain statistics with regard to corporal punishment which I have been at some trouble to procure, as they show that year by year this degrading punishment is decreasing in a steady ratio, and is gradually dying out of the Service. I am positive that the necessity for its continuance will even more rapidly diminish if the House will continue, as it has hitherto done, to support the Government in its efforts for the maintenance of discipline, and for the improvement of the Service by the training of a large number of boys, who, having entered at an early age, become attached to the Service, and in the great majority of instances turn out skilful and valuable seamen."—[*Ibid*. 1655.]

And now what have we done in that respect? I will venture to quote a few lines from a naval article in *Fraser's Magazine*, on "Training Schools and Training Ships," describing the present system—

"We will take a boy at the earliest age that he can join, 15. He can only be accepted by certain officers, in certain places named in the regulations; he must bring with him a certificate of birth, and a declaration made by his parents, or nearest relation if an orphan, giving consent to his joining Her Majesty's Navy and serving for 10 years, from the age of 18. No apprentices are accepted, or boys from prisons or reformatories. . . . The boy must be able to read and write, and is then subject to a very exact medical examination. One fancies that no boy could ever be so sound as seems ne-

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cessary. Joints, skin, chest, teeth, eyes, &c., have to be examined minutely, and the examination invariably detects and rejects those poor lads who have wanted care or nourishment in childhood. The waifs and strays of society are seldom able to pass the medical tests of the Royal Navy; and the Service is recruited chiefly from the sons of small farmers, shopkeepers, and artisans, who have been fed fairly, and have therefore some constitution on which to work."

That is the raw material of which our Navy is now composed, the sons of small farmers, shopkeepers, and artisans, and does the right hon. Gentleman think that these are the classes which will long submit to be kept under the discipline of the lash. Since that time I am informed—and so far as my own small information goes it confirms it—that the character of our seamen has changed and undergone a perfect revolution. The old characteristic Jack Tar, rollicking, reckless, and as soon as liberated on shore rough and dissipated, has passed away. Our men now in the Navy were boys brought up in these training schools as I have described. They are a well-regulated, orderly, and I believe as a class of men superior on the whole to the class from which they are taken on shore. At the time when Lord Clarence Paget was looking forward to flogging being abolished, not one man in 100 could read and write. Now it is a very small proportion that cannot do both, and are these the men do you think that will now submit to the rough discipline thought necessary in the old times? These men have improved in information, in intelligence, and in thought, and consider that they are no longer to be governed as mere brutes or machines. I can tell the right hon. Gentleman, if he does not know it, that these men and their petty officers in various parts now meet, combine, discuss their grievances, and communicate with Members of Parliament with regard to them. This system of flogging, I will venture to assert, is as really absolutely doomed as if the right hon. Gentleman decreed its dissolution to-day. The only question is this, shall it be done by the Government and the House of their own free will and graciously, or shall it be wrested from them by the power of public opinion, a thing neither the House nor the Government can withstand. We have seen the trades unions of this country combine altogether to assist my hon. Friend

the Member for Derby (Mr. Plimsoll) in his patriotic attempts to ameliorate and render more safe the lives of merchant seamen. Does the right hon. Gentleman want to see the trades unions joining the seamen of the Navy, and declaring, in tones that cannot be misunderstood, that the lash shall be no longer employed as a punishment? I do not speak entirely without book, for I have various communications from different parts of the country on this matter. One especially I will read from the town which is honoured by the representation of the right hon. Gentleman whom I now see sitting on the front bench (Mr. John Bright). The Birmingham Trades' Council, representing some 10,000 unionists, has asked its borough Members to support my Motion, and has based that request upon the very soundest and broadest grounds, for they moved—

"That this council desires the borough Members to support Mr. P. A. Taylor's Motion for the abolition of flogging in the Navy, believing that its continuance is degrading to the nation, and calculated to lower the service in the estimation of the people."

Of course, I shall be told that discipline cannot be maintained without this punishment. That has been the cry every time any alleviation of this punishment has been attempted. When the lashes were 500, "discipline required it;" when they were 100, "discipline required it;" and "discipline" requires it now, when the experience of every Navy in the world negatives it, for England is the only country which still maintains the cat. The experience of our great Merchant Service negatives the necessity for it. The great vessels of the Peninsular and Oriental Company, with their vast wealth and the large numbers of passengers they carry, are they nothing? They have no prestige of naval discipline to fall back upon, but not a lash is ever given upon one of those vessels. Sir, I maintain that not one, but all the best authorities on the Navy, are against the continuance of this punishment. I will quote one or two illustrations. Before venturing to bring on this Motion, I wrote to a naval officer of long standing and high authority on all matters connected with the discipline of the Navy, and I believe his name is at the service of the First Lord. I will venture to read two or three pas-

sages from his very interesting letter. He says—

"It raises a barrier between officers and men destructive of all good feeling and sympathy, and far from assisting to maintain, it is really destructive of all good discipline, converting the criminal into a martyr. I tell you that you cannot rely on your reserves so long as the men are subject to the torture prescribed in this Act. Try it. Embark your naval reserves in London and Liverpool this summer, take them for a month's cruise, and flog one of them from each port; call them out again in 1877 and see how many will respond to your call."

There are two papers which I am told represent between the two the best characteristics of both Services. They are certainly not Radical in their politics, but they have felt compelled within the last year or two to consider Motions which I have made, and they have generally thought it necessary to commence by saying "unusual as it is for us to agree with the hon. Member for Leicester." Listen to what *The Army and Navy Gazette* says, on June 3, 1876—

"If we did not believe that the flogging of men is a doomed thing in the Navy, to take its place with the long defunct barbarous practices of keel-hauling, running the gauntlet, tarring and feathering and so forth, we should urge its reduction to 24 lashes in any case, and that Commanders-in-Chief abroad should, like the Admiralty at home, have full powers (which they have not now) of remitting it when awarded by courts martial. But, in truth, we recognize the fact that our seamen have altogether grown beyond the lash. It is a punishment inconsistent with their superior education, habits and training, entirely opposed to the spirit of the age, and not even practised in foreign navies, where its retention was more excusable, if possible, than in ours. We cannot see what good can arise from subjecting the sailor to a degrading punishment from which we shelter the soldiers; it is enabling the soldier to point the finger of scorn and derision at his comrade the sailor. We will not pursue the subject further. We leave it with confidence in the hands of the authorities, feeling assured that a right conclusion will be arrived at."

*The United Service Gazette*, for last Saturday, thus writes—

"It has been said that the good men in the Navy do not object to flogging, and that they would rather it should not be abolished. We have had the strongest and most conclusive proof offered us to the contrary. Surely, then, there can be no two opinions that the time, however long it has been deferred, has now fully come when such a demoralizing, degrading, and infamous punishment as flogging shall be abolished in the Royal Navy."

I was much struck the other day by

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reading the life of Lord Collingwood, a man whom I believe professional historians reckon one of the very greatest commanders this country ever saw, as he was certainly one of her truest-hearted men, and noblest gentlemen. He was a man of whom Thackeray said—"Since heaven made gentlemen there is, I think, no record of a better one than that." Lord Collingwood, when flogging by the hundred lashes at a time was the fashion, loathed it, and never had recourse to it when he could avoid it. In the record of his punishments for the year 1793, from May to September, he had 12 men flogged from 6 to 12 lashes each, and that was at the time when from 400 to 500 was a common thing. He would say to midshipmen, who came to him with complaints—"You don't want to see an older man than yourself flogged, I am sure. Come and ask me to let him off, and I will do so." I would recommend this to the consideration of the House and especially to the hon. Member for the Montgomery districts (Mr. Hanbury Tracy). Lord Collingwood was told that there was a mutiny on board his ship, whereupon he said—"Mutiny, sir, mutiny on my ship; if it can have arrived at that it must be my fault and the fault of every one of my officers." And this character of his, this ability to subdue by mingled firmness and gentleness the rough spirits he had to deal with was recognized by very different men. Lord St. Vincent, himself a most severe disciplinarian, used to say if he had any refractory men—"Oh, send them to Collingwood; he will bring them to order." But we have an entirely different system now to the one which obtained in those days. We flog only seven or eight men in the year, and what does that mean? It means that we flourish the cat in *terrorem* over the whole Navy for the sake of a few insubordinates, or for the sake rather of a very few bad or inefficient officers. Upon that point let me read two or three words to show how much is due to the conduct of an officer as regards the discipline of a ship, from a speech by Lord Hardwicke in the same debate of 1860. He said—

"He was of opinion that the discipline of the Navy was equally, if not more, dependent on the character and conduct of the officers in command than upon the code of laws under which they acted."—[3 *Hansard*, clix. 1614.]

The same view was taken by the Commodore commanding the African squadron, who said—

"I have remarked to the commander on the increase of minor punishments, and suggested a greater amount of supervision amongst officers and others appointed to superintend and control the men. I am quite certain that one-half of the minor punishments need never have been inflicted if a proper vigilance had been exercised by the officers."

We are often recommended a rough-and-ready discipline and punishment for the Navy; but I really think it would be not a less proper system than we practise now if whenever there are offences on board a vessel which seemed to demand the punishment of the cat, if the officers were cashiered rather than the men flogged. One of the most marked and disgraceful characteristics of our law at present on this matter, and marking how disgraceful the mere threat of the possibility of the cat is regarded, is that officers are especially exempt from the possibility of being flogged. In other cases it is the crime which determines the punishment, not the individual. In this case it is the rank of the man. Of what avail is it to say that an officer will never commit mutiny. If that is so they need never fear being flogged. There is no other punishment in the Naval Discipline Act from death to reprimand except this one of flogging to which officers are not liable in case they should commit the same crime. It is a remarkable thing, Sir, that there has been no trial for mutiny since the year 1835, and then it was two officers who were put upon their trial. It is a remarkable instance of the miserable red tapeism which is eating into our two Services, that these two officers to save the ship mutinied against a drunken commander, and by gentle pressure kept him in his cabin. Yet for saving the ship they were sentenced to some degree of punishment. But it is not merely as a sentimentalist, if I must submit to that charge which is so constantly brought against me, it is not merely because of my sympathy with the men, but as a question of economy that I bring forward this question. We cannot afford to make our Navy as unpopular as it is now, and to continue to hang the cat *in terrorem* over the men. We cannot stand as a pecuniary question the frightful amount of desertions that

are going on now at this time, and our inability to fill up the vacancies with the youths coming from our training ships. Do not let the House suppose that I am inventing the fact that flogging has something to do with the dislike men have to enter our Navy. The Duke of Somerset, speaking on August 7, 1860, as to the clause requiring inquiry before flogging, said—

"An additional inducement would be held out to the seamen of the Merchant to enter the Naval Service; from entering into which they were at present deterred by the existence of corporal punishment."—[3 *Hansard*, clx. 821.]

And what wonder is there that it should? What a sight it is, described by one who has seen it, to see a man hung up by his arms and knees, and surrounded by a corps of Marines with fixed bayonets, and there lashed—I will not say like a brute, because with our present condition of humanity we do not lash even our brutes. I have been told that when a man is to be flogged at Portsmouth harbour they dare not flog him alongside the dockyard, because the workmen there would not stand it, and so the vessel has to be taken out to sea. There is a certain refinement and delicacy in the fact also that when flogging is going on a look-out is kept to see that some French or Italian officer is not coming to visit the commander, and if one should appear he is warned off. We are very proud of our flogging, but there is a little touch of shame about it when a foreigner comes to see it. On this question I quote again from *The United Service Gazette*, which says—

"The question as to the causes that lead to the desertion of seamen from the Navy has become imminent. We cannot possibly go on losing 1,000 men a year on that account alone, without asking the reason why. To fill the vacancies caused by the desertion of these 1,000 seamen we require to be constantly training 3,000 boys, and these at the lowest computation cost us £135,000 a-year. To this must be added what has been spent on the training of the 1,000 deserters, say another £135,000, and we have a total of £270,000 a-year absolutely thrown away. These estimates we know are below the mark."

The right hon. Gentleman the First Lord of the Admiralty is reported as saying in his speech on the Estimates that—

"looking over the whole stations it would be found that there was no increase in the numbers."

I am quite unable to make out the correctness of the right hon. Gentleman's statement. Not to go further, I have gone to the year 1863, when we had those admirable Returns set on foot by his Predecessors, and I find that although according to his statement on April 10, 1875, the desertions at the Home Station were  $3\frac{1}{2}$  per cent, in 1863 the Returns were only 2·88 per cent. The percentage on the Channel Station was 7 per cent, in 1863 it was only 5 per cent, while on foreign stations, as compared with 1863, it would appear from the statement of the right hon. Gentleman the percentage was nearly double, and we have a like difficulty on the other side in persuading—and what wonder that it is so—in persuading boys to enter our training ships. From April 1875 to January 1876, inclusive, the number of boys less borne than voted averaged 625. In January, 1876, it had increased to nearly 800. I wish my hon. Friend the Member for Burnley (Mr. Rylands) would inquire what become of the sum voted for this larger number of boys, when the boys are not forthcoming. I now come to the Amendment which the hon. Gentleman the Member for Montgomery district (Mr. Hanbury Tracy) has put down upon the Paper. I must say I feel a certain amount of regret that opposition to my Motion should come from this side of the House. Not that this is in any sense a Party question; but still we are apt to think, and perhaps to arrogate to ourselves the right on this side of the House, to do away with bad, obsolete, and useless legislation. But I confess I regard the Amendment of the hon. Gentleman with entire satisfaction, because if there could be to my mind anything wanting to affirm the wisdom of my Motion, I should find it in his Amendment. He divides it into two portions, and he says, in the first place, that since 1871 all corporal punishment in the Navy has been abolished for all offences which do not require prompt and immediate punishment, and is now only retained for the case of mutiny, and for offences which may imperil the safety of the ship upon the high seas. Now, I am quite sure the hon. Gentleman had no desire whatever to mislead the House in any respect; but I must say that the terms he has used are, in my opinion, well calculated to do so. It is somewhat re-

markable, too, that the duty should fall to a civilian to set him right. In his Motion the hon. Gentleman informs the House that since 1871 corporal punishment has not, and cannot, be inflicted for any crime except those two which he specifies. Will not the House be surprised to learn that there is no foundation whatever for the statement, and that the reservation in this Minute applies simply and only to the summary jurisdiction of the commanding officer, and does not touch in the slightest degree the powers of punishment by court martial. At this very moment there is not a single punishment in the Naval Discipline Act which is punishable by imprisonment to which a court martial has not power to add flogging. Why, the hon. Gentleman would have seen, had he read a little more carefully, that in the debate, or rather the conversation which took place in 1871, and upon which his Motion is founded, that the First Lord of the Admiralty, who was then my right hon. Friend (Mr. Goschen), expressly admitted that as regarded courts martial this had no effect. This might be a very good reason for amending the Act; but it was no justification for putting down such an Amendment as this. But then the hon. Gentleman goes on to say that this punishment is only retained for the cases of mutiny and of offences which may imperil the safety of the ship on the high seas. But what is this mutiny of which we hear so much, and of which the hon. Gentleman now speaks? It is simply a bugbear set up in order to persuade timid Members of Parliament of the necessity of retaining brutal punishments. Mutiny in the sense of endangering the possession of Her Majesty's ships is an absolutely unknown thing. Mutiny is a sort of parallel to high treason, an attempt to take a ship away from the natural control and power of Her Majesty's Government. It does not mean being rude to a midshipman, or striking the policeman of the vessel. But, supposing there were such a thing, what does this mean? That we only flog when the safety of the vessel at the moment is imperilled? The hon. Gentleman might remember the axiom of Mrs. Glasse—"First catch your hare." You cannot flog a man when he is in open mutiny, and actually threatening to take away from the officers the command of the ship; when you have mutiny

it is not the cat, but the revolver or grape shot that will be needed. The whole thing is an absurd delusion. There has been no such thing as a mutiny in this century. In the case of the *Bounty*, in 1789, it was not quelled by the cat; while in the case of the *Hermione*, in 1797, the cat was the direct and obvious cause of it. What a picture does this suggestion of the right hon. Gentleman give of the officers quelling a mutiny and ensuring their possession of a ship by flogging the men, the men fighting the officers with marlingepikes, and the officers pursuing them round the deck with cats. The hon. Gentleman says we cannot flog men except for mutiny. Why, there were seven men flogged last year, by order of a court martial, and not one of them was charged with mutiny. Now, I have no doubt in regard to this matter, especially of desertions, the right hon. Gentleman opposite (Mr. Hunt) will say he has done all in his power to prevent them. I remember a story of a certain patient who was afflicted with a multitude of diseases, and his physician had some reason to think they originated from a result which springs from insufficient lavation. He told his doctor that he had tried every means in his power to effect a cure. "Why don't you try soap and water," said his doctor. I venture to ask the right hon. Gentleman whether he will not apply a moral detergent to the misfortune which at present afflicts our Navy? If he will condescend to take the advice of a civilian and an outsider on the matter, I will venture to recommend to him such a course as that he should abolish flogging, and do away at the same time with the whole system of which flogging is a type. Let him amend all the red-tape regulations of the present Naval Discipline Act, by which the natural enjoyment, liberty, freedom, and improvement of the sailor are diminished. They are now become reasonable beings, let him give them reasonable means of relaxation and improvement; let him, in fact, make the Service as popular as it deserves to be, and as at present it is unpopular; let him do this, and he will gratify, I believe, the natural kindness of his own heart, satisfy the highest opinion of the best authorities in the Navy, and make himself the most popular First Lord with the sailors that there has been in our time. I beg to move, Sir,—

"That, in the opinion of this House, the time has arrived when the punishment of Flogging in the Navy should be abolished."

MR. HOPWOOD, in seconding the Motion, said, he was desirous of asking that the Navy of England should be taken out of the category of garroters. They had decided to reserve the most disgraceful punishment for the most infamous scoundrels. But the clients for whom he spoke now were not the infamous men of the British Navy, but the true men enrolled in its ranks, who at the bidding of a wrong-headed, rash, presumptuous, perhaps cruel or vindictive man, might be put on their trial before three or four young officers and subjected to physical punishment. The garrotter, on the other hand, was secured a calm trial in a Court of Justice before a Judge and 12 of his countrymen, and the evidence against him was sifted by men of the greatest skill and experience in such matters. The sailor who was tried by court martial had no such means afforded him of proving his innocence. He thought they could not better consider the system of flogging than by asking each Member of the House to imagine his own feelings under it. It would be well that the regulation cat should be placed alongside the mace; but perhaps the First Lord would state how many knots it had, and what was the effect of a blow. He believed there was no country in the world in which flogging was cherished as an unnatural plant as it was in England. In this respect he believed she was sole, at all events among the nations of Europe. Professional men who had been brought up in the old system naturally thought flogging necessary to the government of the country and the existence of the Service; but it had been abolished in the Army with very beneficial results, and he called upon them to assist in placing that chaplet which his hon. Friend had humorously spoken of on the brow of the right hon. Gentleman for abolishing the "cat" in the Navy. Even in the profession to which he was proud to belong, that of the Law, there had been men who thought that society could not be held together without cruel, barbarous, and Draconic punishments. The Judges thought so, and so did the Bishops; but, happily, there had sprung up men of warmer hearts, men who were more disposed to

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trust their fellow-men, and who advocated the abolition of such punishments. Professional men were not to be trusted, they were brought up under a system and did not see the mischief of it. If anything had made him a warm supporter of liberty, it was the brutal punishment of flogging. He could remember in his early days reading, or hearing, not unfrequently of 900 lashes being given in the Army and of more than one inquest upon some unfortunate man who had died under his punishment, and he was proud to say that eventually the public opinion of the country had obtained the abolition of such punishments; and he thought he was justified in adding one more appeal to those which had often been heard in that House—contending that the “lash” was useless to maintain discipline; that it was flourished in the face of a superior class of men; that it could not be measured in its baleful effects simply by the terror which it inspired in those who might commit breaches of discipline, but by the wider feeling of disgust and terror created in those who were not likely to need punishment to correct them, and who therefore would scorn a Service which alone among the Services of the world was disgraced by the maintenance of this infamous punishment.

Motion made, and Question proposed,

“That, in the opinion of this House, the time has arrived when the punishment of Flogging in the Navy should be abolished.”—(*Mr. P. A. Taylor.*)

MR. HANBURY TRACY, in rising to move, as an Amendment, to leave out all the words after the word “House,” and insert—

“corporal punishment in the Navy having been abolished in 1871 for all offences which do not require prompt and immediate punishment, and being only now retained for the case of mutiny and for offences which may imperil the safety of the ship on the high seas, it is inexpedient to take further steps for the total abolition of the punishment,”

said, he extremely regretted, in the interests of humanity, that the hon. Member for Leicester had brought forward his Motion. The hon. Member had criticized his Amendment and endeavoured to make out that he was endeavouring to mislead the House; but he wished to say that in drawing up the

Amendment he had followed the terms of the speech made in that House in 1871 by the right hon. Member for the City of London (Mr. Goschen), when the hon. Member for Chatham (Mr. Otway) then moved for the abolition of flogging in the Navy. The right hon. Gentleman went into the subject very fully, and came to the conclusion that, in the interests of humanity, it was advisable that in certain cases they should have a deterrent punishment. Corporal punishment was to be abolished for all offences with the exception of mutiny, using or offering violence to a superior officer, and desertion under aggravated circumstances. The hon. Member for Leicester said that by the Naval Discipline Act a court martial was still able to award flogging for other cases; but if he had referred to the Memorandum which had been issued to the Navy he would have seen that for all practical purposes he was mistaken. The hon. Member for Leicester talked of mutiny as a thing unheard of. He (Mr. Hanbury Tracy) ventured to say that mutiny, or conspiracy of a mutinous character, was by no means so very rare. What would the hon. Member for Leicester do if a spirit of mutiny prevailed in a ship that was on the high sea, far from prison and from any country? Unless some strong punishment could be at once inflicted in such a case, the lives of all the officers would be endangered, and the ship would be irretrievably lost. If this power were not retained they must resort to the punishment of death. If they were prepared to do that he would withdraw his Amendment; but did they care so little for life in this 19th century that they thought that in every case of insubordination officers ought to be allowed to take out revolvers and shoot the mutinous men? It was true that flogging was abolished in the American Navy, and that legally only irons, cells, imprisonment, and the usual minor punishments could be enforced. But he believed it was undisputed that occasionally their officers were obliged to have resort to illegal punishments of a most brutal and degrading nature. Had the hon. Member for Leicester never heard of sweating boxes, that diabolical invention for packing a man in a sort of coffin near the boiler, forming a hot closet, until the perspiration ran off him,

*Mr. Hopwood*

and he was reduced by a process of stewing to a state of submission? Had he never heard of knuckle-dusters being used for knocking men down? Had he never heard of that vile and brutal punishment of tying men up by their thumbs to the rigging, with their toes dangling on the ground for hours at a time? He did not wish the House to imagine that these horrible cruelties were often inflicted; but he feared that there was little doubt that in extreme cases it had often been a case of using one of these deterrent punishments, or of shooting men down with a revolver. It was only a few years ago the captain of an American man-of-war on the Brazilian station was tried for perpetrating some of these cruelties. He had spoken to American officers on the subject, and their reply was always to the effect—"Oh, these punishments are sometimes inflicted, but they are illegal, and the men have their remedy." That might be the case; but to a sailor on a foreign station there was an almost insuperable difficulty of obtaining redress, owing to the length of time which generally elapsed before the ship returned home. Certain he was that whether often carried out or not, the stigma of inflicting illegal punishments did rest on that Navy, and he should be very glad to hear it was unjustly placed. It was an admitted fact that in extreme cases life was frequently taken. Two curious cases occurred not very long ago, as illustrating the system pursued in the two navies. A ship's company of 170 men of the American Navy were sent in a passenger ship in charge of a captain and midshipman down to Aspinwall, in order that they might cross over to Panama and relieve the crew of a vessel on the Pacific station. A spirit of insubordination sprang up amongst the men, and an attempt was made to get to the spirit room. The captain fortunately heard of the intention; but having no power to apply a strong deterring punishment waited until the men actually came aft to get to the spirits, he then took his revolver and shot three of the men, and thus quelled the attempt to broach the spirit room, which would probably have ended, as all similar cases generally ended, in the loss of the ship and the whole crew. In the same month, and not far from the scene of this tragedy, an English man-of-war was wrecked—

Her Majesty's ship *Conqueror*, with a crew of 800 men. In an evil hour some of the crew thought they would obtain possession of the spirits. Fortunately the conspiracy was discovered, and three of the ringleaders were flogged. All signs of insubordination were at once checked, and the whole crew of 800 men were saved. There were, unfortunately, at sea cases constantly occurring where men, crowded together in a small space, suddenly became maddened for drink, or from excitement and privation—were guilty of acts they would afterwards bitterly repent. These were instances where an iron hand was indispensable, and it was simply a question of inflicting instantly some summary deterrent, or of shooting. The punishment of flogging was infinitely more merciful than that of shooting a man. In the French Navy good discipline prevailed, but capital punishment was resorted to, and a captain had absolute discretion to do what he liked in case of insubordination tending to mutiny. In the Italian Navy a similar state of things prevailed. The hon. Member for Leicester said the Return issued that morning of the number of corporal punishments inflicted during the last few years only strengthened his case. He (Mr. Hanbury Tracy) maintained the contrary. It was admitted on all sides in 1871 that the settlement then arrived at on this subject was a right one, and Mr. Otway thought the flogging in the Navy would gradually die out and be only retained for extreme cases. In 1871 the number of cases of flogging was 51; but the number under the new state of things was as follows:—In 1872 there were only 16 cases; in 1873, 19; in 1874, 8; and he believed last year there were only six. He believed that number would be still further reduced. The hon. Member for Leicester said that they had now such magnificent men in the Navy that they need be under no fear through abolishing this punishment; but he could inform the hon. Member that sailors themselves were by no means anxious that flogging should be altogether done away with, because they knew that it was only the exceptionally bad men who were liable to the punishment. The hon. Member for Leicester had contended that desertion would be reduced by the abolition of flogging; but he thought that it would be far more

considerably reduced by a slight increase being made in the pay. The chief cause of desertion among the ordinary seamen was their being kept for months at a time in harbour, where they got into debt, and frequently into prison. Some people thought that the right hon. Member for the City of London (Mr. Goschen) had already gone a step too far in abolishing flogging in the Navy except in the two cases of mutiny and of offences imperilling the safety of the ship; but without wishing to take a backward step as matters now stood it would be highly imprudent to go any further in that direction. The hon. Member for Leicester had instanced the Merchant Navy as a proof that ships might be safely navigated without recourse being had to flogging; but it was only a few weeks ago that they had had lamentable cases of mutiny in that service. When it was recollected what an unnatural life men led at sea, when it was remembered what countless dangers were continually being run, which naturally made seamen somewhat reckless, and when it was also remembered how easy it was for the best men to be led astray when physically demoralized from over work or excitement, he apprehended they ought not to be surprised that an exceptional punishment was required for these purely exceptional state of things. He desired to defend the penalty of flogging for these extreme cases on the very ground taken by the hon. Member in wishing to abolish it. He believed it was out of all comparison the least cruel mode of dealing with these peculiar offences. If in their attempt to give up this remedy for that one crime of insubordination tending to mutiny, endangering the lives of all on board, they set to work to devise other punishments which should act as a deterrent on the human mind, he was certain they would be led into the infliction of tortures far more cruel, far less efficacious, or be forced into taking human life. Surely it would be contrary to the principles of humanity to take men's lives for every act of mutiny on board ship, and he trusted that such a horrible stigma would not be laid upon the British Navy. The hon. Gentleman concluded by moving his Amendment.

SIR WILLIAM EDMONSTONE, in seconding the Amendment, said, he believed the hon. Member for Leicester

had brought forward this Motion in the belief that he was promoting the cause of humanity, but his speech was mischievous and dangerous. If delivered on board a man-of-war, the person who delivered it would have been subjected to a pretty good share of the punishment it condemned. Speaking from an experience afloat of more than 50 years, he could say that the infliction of corporal punishment was the most painful part of an officer's duty, and that it was never resorted to except from absolute necessity. It was a punishment, however, which officers in command of ships ought to have the power of administering in cases of emergency. He did not like to make sensational speeches, but he might mention an incident which had occurred to himself—not yesterday, it was true, but years ago when he was in command of a brig in the Mediterranean. There happened to be an unruly spirit amongst his crew, and word was brought him by his officers that the men had refused to wash the deck when ordered to do so. He gave them a second opportunity of obeying the command, and placing a loaded pistol upon the capstan, he ordered the few men who remained obedient to seize one of the ringleaders and flog him. This being done, he ordered three others to receive the same punishment, and that quelled the mutiny effectually; and had he not possessed the power of administering this punishment the ship would not have remained in his hands. If they gave up flogging, they must resort to the punishment of death. In other navies where flogging was not administered most barbarous punishments were resorted to, which he hoped would never disgrace the British Navy. During all the years he had been afloat he never knew of an instance in which a sailor who had been flogged bore a grudge against his commanding officer for having so punished him. He believed the better class of seamen would regret to see the abolition of this punishment; and he was sorry that this Motion had been brought forward, regarding it as implying a calumny on the officers of the Navy.

Amendment proposed,

To leave out from the word "House" to the end of the Question, in order to add the words "corporal punishment in the Navy having been abolished in 1871 for all offences which do not

*Mr. Hanbury Tracy*

require prompt and immediate punishment, and being only now retained for the case of mutiny and for offences which may imperil the safety of the ship on the high seas, it is inexpedient to take further steps for the total abolition of the punishment,"—(*Mr. Hanbury-Tracy*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

CAPTAIN PRICE said, that as a rule questions of discipline in the Navy ought to be left entirely in the hands of the Executive; but this was an exceptional case. He had received no communications from his constituents upon the subject, or from any persons in the Navy except some officers. The Amendment would have the practical effect of leaving the subject where it now was, and with regard to the Motion of the hon. Member for Leicester he sympathized with it, but he could not go to the extent the hon. Member did. He would therefore suggest as a compromise that the Army and Navy should be placed on an equal footing—namely, that in both Services the punishment of flogging should be abolished in time of peace, but that it should not be abolished altogether, and that in time of war the Executive should have unlimited power. The punishment was without doubt a barbarous one, and every one would like to see it abolished, if possible; but he feared the time had not yet arrived at which such abolition was practicable. The object of the punishment was twofold. In the first place, it was intended to act as a deterring influence upon the man flogged, and to make a better sailor and a better subject of the Queen; but he, for one, could not conceive that the best way to a man's heart was an attempt to effect a forcible entry through his back. And, in the second place, punishment should be such as to deter others from taking a similar course; and, from his experience, he did not think that flogging achieved the object for which it was intended. Flogging, so far from deterring other men from committing crimes, rather engendered a spirit of callousness in the men very much like that dare-devil life of crime that was found to exist on shore from reading *The Newgate Calendar* and *The Illustrated Police News*. He should certainly like to know the exact nature of the offences for which the punish-

ment of flogging had been inflicted of late years, as conflicting and inaccurate statements had been made on the subject. It was said that in the Navy men were only flogged for offences requiring prompt punishment; but this was not the fact, for men were often flogged after the holding of courts martial, which did not sit until long after the offences had been committed. Flogging in the Navy was sometimes defended on the ground that on shipboard there were not the same means of punishing offenders that existed in the case of soldiers quartered in camps or barracks on land. This, again, was not strictly accurate. In large ships there were cells, and in all vessels there were irons, into which offending sailors could be put. Dr. Johnson described life on shipboard as resembling life in a prison, with the additional chance of drowning. He could not go quite this length; but he certainly thought that if punishment on land was unpleasant, it must be much more unpleasant on board ship. If this punishment was barbarous in times of peace, it must be equally so in times of war; but there was no doubt that in times of war exceptional means must be used, and the powers of the Executive must be unlimited. The Government would do well to put the Navy on the same footing as the Army with regard to the infliction of corporal punishment. He thought the Government would act wisely if they adopted his suggestion, for the total abolition of flogging must take place eventually. He had only to add that he could not vote for the keeping up of the present state of things, and that he would not promise that he should not vote for the Motion of the hon. Member for Leicester if the answer of the Government was not satisfactory.

CAPTAIN NOLAN thought the hon. and gallant Member for Devonport (Captain Price) had made a very sensible speech, which the Government might accept as a solution of the question. As regarded flogging in the Army, he declared that men were sometimes on active service flogged for almost nothing. ["No, no!"] Courts martial did not flog for almost nothing, he allowed; but the provost-marshal did, and there was no return of his floggings. Every man and non-commissioned officer was liable to be flogged when on service in the Army, and that should be remembered

in their recruiting arrangements. These matters should be attended to now, whilst there was yet time, for if war came upon us it would find us with our house not in order. The Army was in peace time in respect of flogging in a much better condition than the Navy; and what had been the result of making the Army better? It had certainly not been the insubordination of which they had heard so much as likely to be the effect before the improvement was made. If hon. Members consulted a work written by the late Colonel Stewart, called *Recollections of a Soldier*, they would see what the result of flogging in the Army was 30 or 40 years ago. The author, who was not in favour of the total abolition of flogging, but was of the present system, said that that punishment, as formerly administered in large doses, had the effect of making men reckless and insubordinate. There was no flogging of the men in the Cunard line, and yet no one would say that those men were insubordinate. The hon. Member for the Montgomeryshire Boroughs (Mr. Hanbury Tracy) had spoken of the condition of the Merchant Service; but he should remember that if mutinies occurred they arose from the fact that good men could not be had for low wages, and that the bad men who took their places could not be trusted. The hon. Member also said that flogging was necessary to prevent the men from breaking into the spirit room; but in troop-ships, where the discipline was purely naval, there was no flogging of the men for that purpose. Now spirit rooms were only liable to be broken into in case of fire or apprehended disaster; and although he had known in musters for fire parade in troop ships loaded revolvers furnished to the guard on the spirit room, he did not think that a cat-o'-nine-tails would furnish an additional safeguard. He was quite prepared to admit that if flogging were abolished on board ship it might be necessary, in some extreme case, to inflict the punishment of death. He did not shrink from that conclusion, and should be prepared to show that the mere fact of its existence would not in any way detract from the value of the abolition of flogging, which lowered the tone of any service in which it was retained.

MR. HUNT said, the hon. Member for Leicester had made a very interesting

and forcible speech on this subject. So far as his own feelings went he could assure the hon. Member that he greatly sympathised with the expressions he had used; but it was necessary not only to regard the question as one of feeling, but to look at the reasons which called for the infliction of corporal punishment. For his own part, he should have been exceedingly glad if he could have expressed his concurrence in the terms of the Motion of the hon. Member for Leicester—namely, “that the time has arrived when the punishment of flogging in the Navy should be abolished.” He could assure the hon. Member that he had no affection for the “cat,” and that he had no objection to be crowned by the chaplet of laurels which he had offered him if he could feel it his duty to accept this Motion. But not having any prejudices to overcome on this subject, and not having been brought up in the groove of corporal punishment, but looking dispassionately at the matter from the post he occupied, he could not agree with the hon. Member that the time had arrived when corporal punishment could be wholly abolished in the Royal Navy. He regretted exceedingly to be obliged to come to that conclusion, because it would be a proud day for the Service and for the country when flogging could be abolished in the Navy. His hon. Friend the Member for the Montgomery Boroughs had pointed out the great diminution in the number of cases of corporal punishment that had taken place of late years, and had attributed that diminution very properly to the Admiralty Regulations issued in 1871, limiting very much the discretion of officers with regard to the infliction of summary punishments on the person. It had been objected to the form of the Amendment that under the authority of a court martial punishments might still be inflicted other than those which had been mentioned by his hon. Friend. According to strict accuracy, that objection must be held good; but, at the same time, he believed that, practically, the words used by his hon. Friend very much represented the actual state of things. A Return had been presented to that House which showed that in 1874 there were only eight cases of corporal punishment among 30,000 men; but he would call attention to another Return presented a few days earlier from which

it appeared that seven of those eight cases occurred abroad, and only one at a home station. That showed that corporal punishment was so little required at home stations that it might be said to be practically abolished. The others were cases of flogging at sea and at foreign stations, where no means of imprisonment existed. The hon. and gallant Member for Devonport (Captain Price) wished the Navy to be put on the same footing as the Army, in which flogging was abolished except in case of war—and as he was reminded except on board ship, and the reason for that exception was obvious—on shore there was the artificial system of magisterial supervision and imprisonment which enabled us to confine malefactors for the advantage of the community and without risk or immediate danger to the community. But that was not the case on board ship. His hon. and gallant Friend (Sir William Edmonstone) had alluded to a case in which, with a pistol in one hand, he had to order four men to be flogged. Suppose his hon. and gallant Friend had had no such power of flogging those men who, it was assumed, had been guilty of some offence against discipline, what might have been the fate of the ship and of those on board of her? Or put the case of a young seaman refusing to do the work assigned him, and, on being again instructed, striking the superior officer who gave the order. It was said, "Imprison him;" but on a small ship there was no means of imprisonment, and though it was possible to put him in irons, would that commend itself to the hon. Member for Leicester? If it would, it must be remembered that these things were catching and several men might refuse to work if being put in irons was all the result. In this way a mutinous disposition might spread among a crew until the number refusing to work might imperil the safety of the ship. It had been found necessary, in order to secure the safety of ships, to invest captains with a certain amount of despotic power—of course making them responsible to their superiors at home. On board large ships there were, of course, means available for imprisoning offenders, and the risk, as to the safety of the ship, would consequently be less than it would be in the case of small ships where no means of imprisonment existed. But even in large ships there

was extreme difficulty in dealing with offenders at stations where there were no gaols. It was, therefore, exceedingly difficult to deal with the case of those who refused to work or who struck at superior officers. He was sorry he was unable to give the particulars of the eight cases that had occurred in 1874, as there had not been time to obtain the information since it was asked for; but, as far as his recollection went, in nearly all the cases the offence committed was that of striking a superior officer; and that offence he thought did resemble that of the garotter. In both cases personal violence was offered, and those who offered it had the least reason to complain if personal punishment was awarded them. The infliction of corporal punishment in places where an offender could be dealt with by means of imprisonment or otherwise might be safely abolished; but where there were no means of subjecting a man to irksome punishment for offences against the discipline of the Navy it was necessary to retain the power of inflicting corporal punishment. The power of officers to inflict summary corporal punishment was now much limited by the instructions issued by the Admiralty in 1871. No petty or non-commissioned officer, no seaman, Marine, or other person in the first class for conduct belonging to Her Majesty's ships was liable to summary corporal punishment, except for mutiny; and any case in which it was inflicted must be immediately reported to a superior authority. No seaman or Marine of the second class for conduct was liable to summary corporal punishment in time of peace, except for mutiny, or using or offering violence to a superior officer where the offence could not be visited with summary imprisonment. These instructions, issued in 1871, had very materially restricted the power of officers summarily to award corporal punishment, and the result had been the great diminution in the number of cases which had been already pointed out. It was true that courts martial still retained the power of inflicting corporal punishment in other cases; but it was also true that the Admiralty had discouraged the use of excessive corporal punishment; and it was perfectly well known that the Admiralty were anxious that the awarding of this punishment should be as restricted as possible, and, indeed, that

it should be given only in exceptional cases. The knowledge of that fact had deterred courts martial from inflicting this punishment in the way they used to do. It would be quite possible to restrict by regulation or by statute the infliction of the punishment at home ports; but that would be merely making law of the present practice. As regarded foreign stations and ships at sea, it seemed that it would hardly be safe to limit the power of flogging more than at present; but he hoped the day might come when they might see their way to act upon the view expressed in the Motion of the hon. Member for Leicester. It would be a happy day for the Service if they could see their way to abolish flogging altogether, but he did not think the time had come when that could safely be done. He should prefer to give a negative to the Motion of the hon. Member for Leicester rather than to accept the Amendment of the hon. Member for the Montgomery Boroughs, because he did not think that its words technically described the present state of the law. If therefore that Amendment was withdrawn and they took the division on the Motion of the hon. Member for Leicester, they would have a clearer issue before them.

MR. GOSCHEN said, he was unable on that occasion to give any other vote than he would have given if he had still been in any degree responsible for the discipline of the Navy, and he thought it only fair to his successor that he should state that frankly to the House. He was glad that the measures taken in 1871 had practically had the effect, if not of technically abolishing corporal punishment, yet of reducing it to the very smallest possible proportions; and he trusted that what had been said that night would not create the belief out-of-doors that corporal punishment prevailed to any extent in the Navy, or that the officers of the Navy were not as anxious to put the very narrowest limits to that detestable punishment as any Member of that House. While himself at the Admiralty he had to deal with many officers of all ranks, of both sides in politics, and belonging to both the old school and the new; but he was unable to get from any officers, even of the new school, or from any officers who had been in high command or even responsible in any degree for the discipline of

their ships, such a body of opinion as would have justified him in assenting to the Motion of the hon. Member for Leicester. At the same time, he had received from those officers every support in limiting that form of punishment in the way it had been limited in the last three or four years, and he well remembered the great care that was taken by the Admiralty whenever it was actually inflicted to ascertain every circumstance connected with the case, and to see whether the regulations had been in any way infringed. He believed that in only one instance within the three years during which he was First Lord was there any doubtful case in regard to the conduct of a naval officer on that point. While corporal punishment had been thus reduced, our sailors were treated in every other respect with more humanity and more gentleness by their officers than those of any other nation. It was notorious that other nations had recourse to punishments for the sake of maintaining discipline, in the absence of corporal punishment, that we had never sanctioned, and which would almost revolt everyone in that House. ["Name."] He did not know whether he was asked to name the country or the punishment; but he thought it would scarcely be fair to name the countries. The hon. and gallant Member for Galway (Captain Nolan) seemed to suggest that it might be better to shoot two or three men than to have to flog eight. But would the officers have the two or three shot? Would they accept the responsibility of doing that? They might, perhaps, be driven to do it, but what would then be said of the Service? The difficulty of maintaining discipline on distant stations was extremely great, and when it was urged that men might be put in irons and in cells, he remembered what had been said to him by naval officers on that subject. They said, for instance, that if they found themselves in the Red Sea, where the heat was tropical, and they imprisoned men for a fortnight, that punishment would be far more cruel and almost more dangerous to life itself than any other punishment that could be inflicted.

MR. T. E. SMITH believed that for one man flogged in the Navy 100 were deterred from entering the Naval Reserve. The right hon. Gentleman the Member for the City of London (Mr.

*Mr. Hunt*

Goschen) said that if flogging were abolished it would be necessary to resort to more revolting modes of punishment; but he had omitted to specify the punishments to which he referred, so that the House might have an opportunity of forming its own opinion on the subject.

LORD CHARLES BERESFORD was of opinion that it was a good thing that captains of ships should have the power of flogging. Seventeen years ago when he joined the Service as a Midshipman flogging was common for all sorts of offences, and small acts of insubordination, but now the reverse was the rule. The hon. Member for Leicester had spoken of the Returns of punishments not being so great as they used to be, but he had not hit upon the real cause, which was that offences were not now nearly so numerous as formerly, and the men were so very much improved. They now tried to teach them instead of driving them. He was glad of this, but he should be sorry to see the power abolished altogether. The fact that only some seven men were flogged last year out of about 28,000 showed that that form of punishment was not abused, and he believed that its existence exercised a wholesome effect on the Service. Indeed, the men would probably regret the abolition of flogging as much as anybody. When men did not go smartly about their duty, he had sometimes heard old blue-jackets regret that they could not get a dozen lashes for it as in the good old days. It was a great mistake to suppose that the abolition of flogging would stop desertion or induce more men to enter the Service. It would do nothing of the sort, for what was wanted was a little more pay.

MR. P. A. TAYLOR, in reply, said: In one thing, Sir, I think the outside public will agree on reading the report of this debate—that when the two front benches do agree, their unanimity is wonderful. I think I can anticipate the mode in which people will speak of the debate to-night, and I think I can assure the right hon. Gentleman of one thing that they have made up their minds upon, that they cannot understand the mysteries which attach to officialism. The right hon. Gentleman has declined to do that which he says when done will be a happy day for the Navy, and the right hon. Gentleman on this side of the

House enthusiastically defends a punishment he designates as detestable.

Amendment, by leave, *withdrawn*.

Main Question put.

The House *divided*:—Ayes 62; Noes 120: Majority 58.

#### PUBLIC WORKS LOANS BILL.

Resolutions [June 19] *reported*.

1. "That it is expedient to authorise further Advances, out of the Consolidated Fund of the United Kingdom, of any sum or sums of money, not exceeding £4,000,000, to enable the Public Works Loan Commissioners to make Advances for the promotion of Public Works, pursuant to the provisions of any Act of the present Session relating to Loans for Public Works."

2. "That it is expedient to amend 'The Public Works Loans Act, 1875.'"

Resolutions *agreed to*:—Bill *ordered to be brought in* by Mr. RAIKES, Mr. WILLIAM HENRY SMITH, Mr. CHANCELLOR of the EXCHEQUER, and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 202.]

#### CIVIL SERVICE TRADING.

##### MOTION FOR A SELECT COMMITTEE.

SIR THOMAS CHAMBERS called attention to the subject of Civil Service trading, and moved for a Select Committee to inquire into the matter. He was encouraged to do so by the reception which previous Motions had met with from the House. The Civil Service Supply Association turned over per annum £1,000,000; the Army and Navy Co-operative Society, £500,000 per annum; the Haymarket Association, £750,000; and, altogether, more than £3,000,000 was received and turned over every year by such associations in the metropolis alone. It was obvious, therefore, that they were diverting trade from ordinary retail channels. The question, therefore, was whether it was co-operation in the fair sense of the word, or whether it was a gigantic system of joint stock trading. He maintained it was the latter—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after  
Twelve o'clock.



## HOUSE OF COMMONS,

Wednesday, 21st June, 1876.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Metropolis Gas (Surrey Side)\* [204].

*First Reading*—Tramways Orders Confirmation (Bristol, &c.)\* [203].

*Second Reading*—Banns of Marriage (Scotland) [27], put off; Landlord and Tenant (Ireland) Act Amendment [40], debate adjourned.

*Third Reading*—Local Light Dues Reduction\* [173], and passed.

## PARLIAMENT—

LEITRIM COUNTY ELECTION—CAPTAIN O'BEIRNE.—QUESTION.

## OBSERVATIONS.

CAPTAIN NOLAN rose to ask the Secretary of State for War, If any Officer stationed at Newbridge had been refused, verbally or in writing, leave to contest an Irish constituency; and was this refusal on account of his politics?

MR. GATHORNE HARDY not being present in his place, and no Answer being given—

CAPTAIN NOLAN said, that as he had received no Answer, and was not likely to receive one, he need hardly apologize for moving the adjournment of the House in order that he might explain the circumstances of the case, and the reasons that influenced him in giving Notice of the Question. The constituency of the county Leitrim had before them at the last General Election three candidates—one a supporter of the Government, and the other two opponents. One of those opposed to the Government was returned; the other, Captain O'Beirne, actually had more votes than the supporter of the Government, but he was not returned, some of the voters being disqualified by the Returning Officer on an alleged informality caused by his own subordinates improperly and informally marking the voting papers. He mentioned this to show that the gentleman to whom he was about to allude (Captain O'Beirne) was a *bona fide* and substantial candidate. That gentleman was an officer of the Army, and at the present moment was quartered at Newbridge. Now everyone knew that the representation of that county was practically vacant, though the writ had not been moved by the elevation of a supporter of the Government, Mr. Ormsby Gore,

to the Peerage by the death of his brother, Lord Harlech. This amounted practically to the refusal of permission to this officer to become a candidate for the vacant seat. He did not wish unfairly to blame the Ministry in this matter, and he did not charge them with having sent orders to Newbridge to place obstacles in the way of this officer proceeding to the West of Ireland because he was opposed to them; but to a certain extent the Government were, he thought, responsible. He knew that the Secretary of State for War could not be present that day, because they knew that the right hon. Gentleman had had an engagement of several days' standing to go to Shoeburyness to witness Artillery experiments. But on Monday the Ministry were aware that this officer had been practically refused leave to contest the vacancy, and they then had the means of influencing the military authorities in Ireland who had the power of granting him leave. In these days there was very rapid communication by telegraph, and the Government ought to have known how to act without loss of time; and had he telegraphed at once to Ireland, he might have had an answer in three or four hours' time; but it appeared that an answer had only reached them at 11.30 that day stating that that officer had applied for leave from the 22nd to the 29th, which would be granted. That meant that there had been a delay of several days; for part of which the Government were responsible, and he could only say he should be sorry if the Party with which he was connected gained an electioneering advantage at such a price. He regretted that there was no Minister present to answer his Question, which referred to a political rather than a military matter. He would conclude by moving that the House do now adjourn.

MR. SULLIVAN seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—*(Captain Nolan.)*

SIR COLMAN O'LOGHLEN presumed the object of the Motion was to enable his hon. and gallant Friend (Captain Nolan) to make his statement, and if possible to elicit some explanation from some Member of the Govern-

ment. He saw one of Her Majesty's Ministers sitting on the front Government Bench (Sir James Elphinstone). If that hon. Gentleman did not afford some explanation, he should recommend his hon. and gallant Friend (Captain Nolan) to ask permission of the House to withdraw his Motion for the adjournment, and to bring the subject forward again to-morrow, when the Secretary of State for War would be in his place.

SIR JAMES ELPHINSTONE said, he had been so pointedly alluded to by the right hon. and learned Baronet that he could not avoid rising in answer to his appeal; but the fact was that he had no knowledge of the transaction they were discussing, and his geographical knowledge of the part of Ireland under discussion was very limited. But he thought that, instead of bringing that matter before the House, more especially on a Wednesday, when Ministers were engaged in important business in their offices, it would have been much better if that question had been postponed until it could be properly answered. The hon. and gallant Member had acknowledged that he was aware the Secretary of State for War was at Shesbury on public business. He would only add, without reference to this particular case, that he trusted that the number of military Gentlemen on full pay in that House might not be increased, and that the Conservative candidate at Leitrim might succeed.

MR. SULLIVAN said, he had no doubt the hon. Baronet very earnestly desired that a Conservative might succeed in getting in for Leitrim county; but he (Mr. Sullivan) did not do the Ministry the injustice of thinking they would try to snatch a petty advantage by *finesse* and manœuvring. In an election contest an early start was half the battle, and it was well known that if one party could so manœuvre as to keep their opponent out of the county for five or six days, they could secure all the cars and the solicitors and laugh at him when he entered the field late. He did not for a moment suppose that the question affected the Secretary for War; but it was very well known that unless someone stood between Captain O'Beirne and the constituency of Leitrim for four or five of the most precious days in the campaign, by no means could that gentle-

man be defeated. It was not through any fault of his own or of his supporters that he was not returned at the last election, but simply because the Sheriff's officers had put marks on voting papers.

MR. GREENE deprecated the practice of moving the adjournment of the House on every trivial occasion—a proceeding which had been more frequently resorted to this Session than he had ever known before. He sympathized with the hon. and gallant Member for Galway (Captain Nolan), and regarded the question as one of considerable importance; but he thought that as the hon. and gallant Member knew that the Secretary of State for War would be absent that day he ought to have put off his Question till to-morrow. The candidate referred to would not have suffered by a day's delay, and he might by telegraph have ordered the "cars" for bringing up his voters if he wanted to engage them so early. It was not fair that a grave charge of that kind should be made in the House when no one was there to answer it, so that it might be represented by telegraph all over Ireland that the Government were intriguing against that particular candidate. No Government in their senses would be parties to so foolish a proceeding, and to bring forward such an accusation in so unfair a manner was like attacking a man in the dark.

MR. SPEAKER said, it was an unusual course for an hon. Member to move the adjournment of the House on a Question, when those who alone were able to give explanations on the subject were not in their places.

MR. MITCHELL HENRY maintained that his hon. and gallant Friend (Captain Nolan) was perfectly justified in the course he had taken. His hon. and gallant Friend had brought the matter to the notice of the Secretary for War on Monday last. Having consulted some of his friends, they advised him to go at once to the head of the War Department, instead of making it a public matter, in the full expectation that the right hon. Gentleman would at once telegraph and desire that the proper amount of leave should be given to Captain O'Beirne. Nothing of the kind, however, appeared to have been done, and then his hon. and gallant Friend put his Question on the Paper for the purpose of eliciting an Answer, 44 hours

having elapsed since he first brought the subject under the notice of the War Office authorities. The question whether the Ministry had impeded the nomination of a gentleman for a seat in that House was one of constitutional importance, and could only properly be brought forward on a Motion for adjournment. He submitted, indeed, that the conduct of his hon. and gallant Friend in the matter had not only been constitutional, but most conciliatory towards the Government. Although the writ for the election had not yet been issued, the Government candidate was already in the field, and it was perfectly idle under the circumstances to say that his hon. and gallant Friend had at all acted unfairly.

CAPTAIN NOLAN said, he had given notice to the Financial Secretary of the War Department that he would ask the Question to-day. He had received from the hon. Gentleman a note dated 11.30 that morning, stating that no news had been received from Ireland; but a few minutes afterwards he understood that seven days' leave had been given Captain O'Beirne. This he could not but consider as wholly inadequate to the occasion; but as no end would be served by dividing the House under the circumstances, he begged to withdraw his Motion.

Motion, by leave, *withdrawn*.

#### BANNS OF MARRIAGE (SCOTLAND) BILL.

(Dr. Cameron, Mr. Baxter, Mr. Barclay, Mr. M'Laren, Mr. Edward Jenkins.)

[BILL 27.] SECOND READING.

Order for Second Reading read.

DR. CAMERON\*: The object of the Bill which I shall to-day ask the House to read a second time is to amend the law of Scotland on a point in relation to which it is admitted on every side—by those who oppose this Bill as well as by those who support it—to stand urgently in need of reform. English and Irish Members will be surprised to learn that no person, of whatever religion he may be, can in Scotland be married by a clergyman without submitting himself to what has been held by the highest Courts of Law to be a sacred ordinance of the Established Presbyterian Church, and having the banns of marriage published in the church of the parish in which he

resides. Under the laws of England and Ireland this is not so, and any person who chooses can lodge his notice with the district registrar, and obtain the requisite certificate or licence for the celebration of the marriage. But in Scotland a religious marriage can only be celebrated after proclamation of banns in the Established Church, and any minister—Presbyterian, Roman Catholic, or Episcopal—celebrating a marriage except upon production of a certificate of such proclamation of banns, is liable, according to Acts still unrepealed, to banishment forth the kingdom under pain of death, and to such pecuniary and corporal pains as the Lords of the Privy Council shall be pleased to inflict. The only exception from this rule that no regular marriage can be celebrated without the proclamation of banns, is to be found in the Jewish communion and the Society of Friends, in whose case the necessity for the customary proclamation of banns has been by statute done away with. Before proceeding further it may be well to explain that any person may be married without banns who chooses to dispense with the services of a clergyman and content himself with an irregular marriage. But happily now-a-days irregular marriages are considered more or less discreditable, and few persons care to incur the stigma attaching to a marriage which, however binding, has to be registered as irregular. Persons may, to speak popularly, be married by a Sheriff or by a registrar, but no marriage can be registered as regular which has not been celebrated by a minister after the publication of banns in an Established Church. Were it only irregular marriages contracted before a Sheriff or registrar and subsequently registered which were recognized by the law of Scotland, this stigma would not attach. But in the great majority of cases irregular marriages, whether arising out of *verba de presenti*, habit and repute, or promise *cum copula*, are never registered at all, and there is so much difficulty in proving them, that not only do constant disputes spring out of them respecting successions, but in cases of bigamy and desertion arising in connection with them, the laws for the prevention of these very serious crimes against society cannot be enforced. Whatever diversity of opinion, therefore,

Mr. Mitchell Henry

exists as to the desirability of continuing to recognize irregular marriages, it is universally agreed throughout Scotland that everything should be done to encourage regular marriages, and to render these irregular marriages as little frequent as possible. Now the existing practice as regards the proclamation of banns has directly the opposite tendency. In the first place, while any person who has resided three weeks in Scotland can contract an irregular marriage, no person can contract a regular one who has not lived in the parish in the church of which the banns are proclaimed during the preceding six weeks. Then the charges are high. A Return presented to the House within the last few months, on the Motion of my hon. Friend the Member for Dumfries (Mr. Noel), shows that the fees paid for proclamations during the year 1874 amounted to upwards of £17,000, and that the average cost was 10s. 10d. per proclamation, or about twice that sum per marriage. In most parishes it is customary to charge a certain sum for the regular proclamation, on three successive Sundays, a considerably larger one for the ceremony if compressed into two Sundays, and a still larger one for it if compressed into one. In a few parishes no such distinction is made, and in a few, proclamations extending over three Sundays are charged at the highest rate; but even the lowest rate in many parishes is as high as 10s. or 12s., and in a case of a bride and bridegroom who may have the misfortune to reside in separate parishes where such a high minimum is fixed, it is impossible to obtain a regular marriage without the preliminary disbursement of £1, or even more for proclamation fees. Throughout Scotland, the average minimum charge shown in the Return is somewhat lower, but I do not think I am above the mark when I say that where persons about to marry reside in separate parishes, the average minimum fees for proclamation, which they must pay if they wish to be married regularly, amounts to between 10s. and 12s. 6d. Now the result of this high charge, according to the concurrent testimony of a large number of most reliable witnesses before the Marriage Laws Commissioners of 1865, is to encourage concubinage, or, to speak more correctly, and to use the language of my hon. Friend the

senior Member for Edinburgh (Mr. M'Laren,) who was one of the witnesses referred to, to encourage "a kind of concubinage which is called marriage, and perhaps is intended to be marriage"—to encourage, I may add, a form of irregular marriage of the very worst description. If we look for any counterbalancing advantages in the present system, we look in vain. The object of the proclamation of banns is, of course, to secure publicity, and to prevent the contraction of bigamous and illegal marriages. The plan at present pursued was adopted in Roman Catholic times, when, and for long after Roman Catholicism had given way to Presbyterianism, it doubtless answered its purpose excellently. There were then no large centres of population such as have since sprung into existence. There was then no machinery by means of which so effective a publicity could be attained. The people of Scotland almost in one body belonged to the Established Church. No regular marriage could be celebrated but by a minister of the Established Church, and the session clerk, to whom was entrusted the direction of the proclamation of banns, was also practically the registrar of marriages. Moreover, in those days the kirk sessions were entrusted with the charge of the poor, and the fees received for proclamations went towards their maintenance. Now every one of these circumstances has been changed. The Established Church of Scotland no longer comprises a majority of the population. Ministers of every denomination are allowed to celebrate regular marriages, the registration of marriages is conducted by the civil registrar, and the proportion of the fees which finds its way into the pockets of the poor is infinitesimally small. As to the uselessness of the ceremony, I might quote abundant evidence; but as this point is hardly likely to be disputed, it will, I think, sufficiently support my position to quote a single sentence from the Report of the Marriage Laws Commissioners before referred to. In England they say the practice of proclaiming the banns—

"Is practically useless and inconvenient in very populous places. In Scotland, being confined by law to the Established Church, and being performed three times over on a single Sunday, just before the commencement of divine service, it can be of very little, if any,

use, particularly in great towns or cities; and it is not unreasonably complained of by the Scottish Nonconformists, who are married by their own ministers, as being in their case vexatious as well as useless."

This brings me to another branch of the subject, and leads me to ask the question, How came matters into this condition? How came it that while in no part of the United Kingdom is there the same opportunity for contracting irregular marriages as in Scotland, in no part of it is the contracting of regular marriages fenced round with the same restrictions?—for in no part of the United Kingdom is it necessary for a person who desires an ecclesiastical marriage to reside six weeks in one parish before he can obtain a licence to be married, and in no part of it must he, to whatever persuasion he may belong, as the indispensable preliminary to it, submit to what has been pronounced by the very highest authority—by the Court of Session and by the House of Lords—to be a purely ecclesiastical ordinance of the Established Church. Well, the history of the present state of things is this. The Scottish law being founded on the Roman law, from the very earliest times embodied the maxim that consent constitutes matrimony. But in the olden days of ecclesiastical intolerance, whatever Church happened for the time being to be supreme claimed a monopoly in the celebration of marriages accompanied with any religious ceremony, and did everything in its power to procure the legal suppression and punishment of clandestine marriages by the ministers of every other persuasion. Thus, before the Reformation the Roman Catholics had secured a monopoly of regular marriages, and this monopoly was seized as part of the privileges of the National Church, as the Episcopalians or Presbyterians respectively succeeded in acquiring ecclesiastical supremacy. The system of proclaiming banns of marriage in the Established Church survived through all the different régimes, and as each régime succeeded its predecessor, each asserted its claim to the sole right of celebrating regular marriages. Each stigmatized all marriages celebrated otherwise than by one of its own ministers, after proclamation of banns in one of its own churches, as irregular and clandestine, and enacted against them sundry pains and penalties. During the long reign

of the present Established Church of Scotland this monopoly in regular marriages remained in force practically down to the year 1834. It is true that more than a century previously an exception had been made in favour of Episcopalians who had taken the oath to Government, but with that small exception no clergyman of any other denomination than the Established Church—no Dissenting Presbyterian, or Methodist, or Roman Catholic could celebrate a regular marriage in Scotland. I need not here enter into a discussion of the effect which this piece of ecclesiastical tyranny had upon the Scottish people, or how it drove them into the very system of irregular marriages which it was intended to suppress. Suffice it to say that in 1834 this ancient disability was repealed, and the power of celebrating regular marriages was thrown open to ministers of every persuasion. But the reform then effected stopped short half way. It left unrepealed the Clandestine Marriage Acts of 1661 and 1698, according to which any clergyman celebrating a marriage otherwise than after the proclamation of banns is liable to be banished from the kingdom and to such pecuniary and corporal penalties as the Lords of the Privy Council may choose to inflict. This law, it is true, has not been lately enforced, simply because it has not of late been broken. But when, shortly after 1834, some of the newly-enfranchised Dissenting clergymen attempted to set it at defiance, intimation was conveyed to them from the Crown Office that it would be put in force against them, unless their irregular proceedings were at once discontinued. The anomaly has been greatly aggravated by a decision pronounced only last year by the Court of Session and confirmed a few months since by the House of Lords—*Harper v. Hutton*. Up to the date of that decision it was practically supposed that the proclamation of banns, although a duty entrusted to the officials of the parish church, was really a civil ceremony, and in accordance with that supposition the right of proclaiming banns of marriage was up to last year confined to the parish churches of parishes *quoad omnia*. Thus it occurred that it was in a comparatively small proportion only of Established Churches that these proclamations were made; and any disability

*Dr. Cameron*

which might attach to ministers belonging to other denominations to marry persons who had not been proclaimed in the parish churches was shared by the ministers of the *quoad sacra* Established churches and chapels of ease. The recent decision has, however, altered this, and according to it the proclamation of banns in the eye of the law is a purely ecclesiastical institution, and consequently not only is every *quoad sacra* parish entitled to proclaim the banns of every person residing within it, but every person living within a *quoad sacra* parish, desirous of marrying, must have his banns of marriage proclaimed in the church of that *quoad sacra* parish. The language adopted by the Judges in the case to which I refer declares in the most unmistakable terms the purely ecclesiastical nature of the ceremony. Thus, the Lord President, in the course of his speech, said—

“The Reformers, though they rejected the idea of marriage being a sacrament, and assumed it to be a civil contract, always claimed the right to regulate the preliminaries to marriage as being an ordinance of the Church, and so *inter sacra*, and I can find no distinction drawn by the Reformers in this respect between marriage and baptism or any other sacrament of the Church. . . . In any aspect, this matter of the proclamation of banns is essentially ecclesiastical, not in the sense of consistorial, but as being within the regulation and control of the Church, and particularly of the minister of the parish.”

Now we have seen that even under the old theory, the Marriage Laws Commissioners, referring to the fact of proclamations being in Scotland confined to the Established Church, stated that the system was—

“not unreasonably complained of by the Scottish Nonconformists, who are married by their own ministers, as being in their case vexatious as well as useless.”

Is it to be wondered that, now that proclamation has been authoritatively pronounced to be not a civil ceremony, but a sacred ordinance of the Established Church, the Dissenting bodies of Scotland should feel their repugnance to it greatly increased? Is it to be wondered that the discontent and dissatisfaction which had so long slumbered broke forth into open agitation? The decision in *Harper v. Hutton* will, however, clear away a great practical difficulty. Hitherto the officials of the parish churches had enjoyed a monopoly of the fees derived

from the proclamation of banns and supposed themselves to have a vested interest in them. Now as these fees amounted to £17,000 a-year, the sum necessary to buy them up was the first obstacle in the way of a reformer. Now, however, *Harper v. Hutton* decided that no such vested interest exists. And what has taken place since then will have a still more serious effect in dispelling any lingering idea as to the vested rights of kirk sessions or session clerks in the matter which may still remain. For the General Assembly of the Established Church, taking advantage of the principle so clearly laid down in the recent decision, with the object of meeting that objection raised to the expense of the present system has in an overture to the presbyteries of the Church recommended that henceforth no fee exceeding 2s. 6d. shall be charged for the proclamation of banns, thereby reducing, at a stroke of the pen, the previous average charge of 10s. 10d. to less than a fourth of that sum. This, however, was not the only change in the present system enjoined by the Established Assembly at its last meeting. Its overture to the presbyteries, in fact, proposes a change in that system quite as sweeping as anything proposed in this Bill. The Assembly virtually admitted that the old practice, in which proclamations were, in a very large number of cases, made three times on one day, was illegal, for it recommended that henceforth they should be made on three separate Sundays. It further admitted that for purposes of securing publicity the system was altogether unsatisfactory, for it recommended that henceforth a list of the notices should be posted on the church doors for 14 days before the last day of proclamation. Now, Sir, so far as regards the first of these changes—the recommendation that henceforth proclamation must be made in every case on three successive Sundays—its effect would be to aggravate the obstacles at present placed in the way of regular marriages. For, whereas it is possible under the whole system for two persons to get married after a residence of six weeks and two days in their respective parishes, it would not be possible if this proposal were adopted for them to get through the prescribed preliminaries under eight weeks and two days. When it is remembered that the

only restriction upon irregular marriages is a residence of one of the couple for three weeks in Scotland, it is easy to perceive the impolicy of throwing any additional obstacle in the shape of parochial residence in the way of regular marriages. Having said so much on the subject generally, I may dispose of the provisions of the measure now before the House in a few words. The Bill proposes to do away with those pains and penalties which at present attach to the celebration of a religious marriage without the publication of banns, and to substitute for the present system as the legal preliminary of all regular marriages, a notice published through the district registrar. It may be asked why not simply abolish the necessity for any preliminary notice, if, as appears to be universally admitted, the system of proclamation pursued for so many years has been utterly inefficient as a means of ensuring publicity? Well, there are very good reasons, it appears to me, for not adopting this course. In the first place, the distinction between a regular and an irregular marriage in Scotland consists not in the fact of registration—for irregular marriages may be registered as well as regular ones—but in the twofold fact of publication of notice of the intention of marriage, and the celebration of the marriage by the minister of a recognized religious sect. It seems to me, therefore, that it would be going altogether in the wrong direction to reduce that distinction by eliminating the element of notice of intention and recognizing solely the element of religious celebration. Especially would it be so, where, as in Scotland, that celebration does not take place in church or according to a prescribed form, but ordinarily at the house of the minister or that of the bride, and according to any form which the celebrator may think fit to adopt. Moreover, I think that an effective publication of intention to marry is most desirable as a preventive of illegal and bigamous marriages, and in this I am so completely borne out by public opinion in Scotland, that I am not aware of any serious proposal from any section of the community to simplify matters by abrogating these preliminary notices altogether. Now, publicity is provided for in the Bill before us by enacting that notice shall be given to the district registrar, who shall expose all such notices

in a part of his office accessible to the public, and leave them thus exposed for a week before issuing the certificate upon which a marriage may take place. This it will be observed, is very much the plan which the General Assembly proposes to adopt, and it is probably the most effective means by which publicity could be secured. I have been asked, Why not advertise the notices in the local papers? My reply is, that to do so would entail expense, whereas according to my plan the notices will be advertised in the most effectual manner, and that without expense. For if ordered to be advertised, the expense would prevent the notices being inserted in more than one paper circulating in each town or district, and the fact of their being there paid for as advertisements would prevent their free insertion by the other papers of the district. On the other hand, I believe that if it were put within the power of every local paper to publish them or not, as it chose, the great majority of papers would consider such announcements as of quite as much interest as those of bankruptcies, and would insert them as news. But not only will this publicity be attained through the newspapers, but from what I have heard I think it more than probable that various of the churches would, if the work were thrown open, proclaim banns of intended marriages in which their own congregations were interested. In preparing this Bill, my object has been, in the first place, carefully to abstain from any interference with the Scottish marriage law; and, in the second, bearing in mind the facilities with which irregular marriages can be contracted in Scotland, to avoid the imposition of any avoidable impediment in the way of regular marriages. With this view, the fee which registrars are authorised to charge in connection with each notice is 2s., or considerably less than half the sum now charged as a minimum in the great majority of parishes. Then the Bill proposes to curtail the total period of residence in a district from six weeks, as it now stands, to 21 days, as is the case with registrars' certificates in England. Twenty-one days seem to me quite long enough for all practical purposes, and if a person may under Lord Brougham's Act contract an irregular marriage after 21 days' residence in Scotland, I cannot conceive what advan-

tage is to be gained by requiring of both the man and woman six weeks' residence in their respective parishes as an indispensable preliminary to a regular marriage. In dealing with the subject I propose to amend the present law in one or two points in which it is at present very defective. At present, for instance, there is no machinery for dealing with the objections raised by persons who "forbid the banns"—no punishment for making wilfully false statements in filling up the schedule for the session clerks. This Bill proposes to deal with these points; but as they are mere matters of detail, and as, if the House accords the Bill a second reading, I intend considerably to modify its details in Committee, I shall not further allude to them at present. Now, Sir, as I said in starting, every section of the community is agreed that the old law of banns is altogether unsatisfactory and that it must be reformed. So far as I am aware, only three plans of reform have been proposed—(1) That which has been proposed by the Established General Assembly; (2) the throwing open of the right of proclaiming banns to Dissenting Churches; and (3) the plan proposed in the Bill now before the House. The plan adopted by the General Assembly, and which I have already described, will, I venture to say, satisfy no one. It is a significant commentary upon it that it was never heard of until it was hurriedly concocted by a Committee of the Assembly, called into existence by the fact of this Bill being before Parliament. The members of the Assembly were allowed no time for its consideration. Judging from the reports of the proceedings, the rev. gentleman who seconded the adoption of the plan could not have known of its existence half-an-hour before he acted as its sponsor. It was read over to him, and some 34 other ministers and elders who were present, only after he had made a speech in defence of this very Bill; and after a short discussion in that meagre house it was adopted, after a division, by a majority of but 24. Compare that with the expression of opinion in favour of my Bill, which has been before the country for months, which has been discussed in almost every Free and United Presbyterian Presbytery in the country, and which both the Free Assembly and the United Presbyterian Synod by

unanimous resolutions resolved to support. The lowering of the fees would certainly be a step in the right direction, but in other respects the plan proposed by the Established Assembly aggravates the grievance of which not merely Dissenting Bodies but the marrying public generally have so long complained. The abolition of the convenient irregularity of proclamation three times on one day would prove very annoying in many cases. But the great objection to the scheme of the General Assembly is, that it places more plainly before the country than it has ever been placed since clergymen outside the pale of the Establishment were allowed to celebrate marriages, the fact that no person in Scotland can obtain a regular marriage without undergoing what a member of the Edinburgh Presbytery lately characterised as "if not exactly a sacrament, at least a very holy thing," and that no clergyman—Presbyterian, Episcopal, Roman Catholic, Methodist, or Baptist—can celebrate a marriage except on the production of a certificate that this sacred ordinance of the dominant Church has been complied with, under pain of banishment and fine. Not only so, but the action of the General Assembly brings out this most remarkable fact—that, as the law at present stands, if a majority of the Established Presbyteries throughout the country adopt the overture which has been sent down to them, the General Assembly will next year, without appealing to Parliament, and without consulting a single individual outside its own sect, be able to effect an entire change in the law relating to the proclamation of banns, and affecting not merely members of its own Church, but those of every other persuasion in Scotland. The second proposal—namely, that proclamation of banns should be allowed to take place in any recognized place of worship—is free from the objections to which the General Assembly's makeshift plan is open, but it is open to two objections equally fatal. In the first place, as many persons, especially those belonging to the smaller denominations, attend churches which are situated neither in their registration districts nor in the parishes in which they reside, it would be difficult to devise machinery which would enable the proposal to be worked out satisfactorily. In the second



place, while a cumbrous and objectionable system would thus be inaugurated for the purpose of conciliating the Dissenting Bodies, it would be a system for which none of these Bodies have expressed the smallest desire. So far back as 1866, the accredited representatives both of the Free and the United Presbyterian Churches laid their views before the Marriage Laws Commissioners, and in both cases what they recommended was the plan embodied in this Bill—namely, that publicity should be given to the intention to marry through the agency of the officer entrusted with the duty of registering marriages—the district registrar, to wit. If this proposal were carried out, its effect would be to relieve Dissenters, lay and clerical, of an invidious and degrading disability. It has been attempted in some quarters to connect this Bill with the questions of the secularization of marriage and of disestablishment. It has nothing to do with either. The proclamation of banns in an Established Church may be an ordinance very sacred to the members of that Church, and there cannot be the smallest objection to its being voluntarily continued in their case, but it can do no more good to force every Free Churchman or United Presbyterian, every Episcopalian or Roman Catholic, to partake of that ordinance than it could do to make them, one and all, sign the Thirty-nine Articles as an indispensable preliminary to marriage. With the question of disestablishment, this Bill has nothing whatever to do. The Church of England possesses no such monopoly—has no such powers of regulating the preliminaries of religious marriages of Dissenters as that which the recent decisions has shown to lie in the hands of the Scottish Established Church. But no one will pretend to say that the want of that invidious control in any way weakens its real power or threatens to bring its existence to an end. The hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) has, I perceive, at the very last moment put down a hostile Motion against this Bill, and proposes to refer the law of the subject to a Select Committee. The law of the subject has been before the county session and the House of Lords for the last six months, and what possible legal light the hon. and gallant Gentleman can expect to result from an investigation

by a Committee of this House I confess I am at a loss to conceive. Had he proposed to refer the Bill to a Select Committee I should have desired nothing better. It is too late in the Session to allow us to hope that this Bill can this year become law—nor am I particularly anxious that it should pass until the most ample time has been afforded to discover and rectify every flaw in its details; but, Sir, I would earnestly ask the House to affirm its principle by reading it a second time. The time for a change is most opportune. The old system has been overturned within the last few months; the new system of *quoad sacra* proclamations has not had time to acquire the consistency of a recognized or familiar practice. While another change is contemplated by the Established Assembly next year, the present is the time for reform. I need hardly invoke the vote of Protestant Dissenting Members to remove an un-called-for and insulting disability against which their brethren in Scotland, of whatever denomination, have long protested. I call, however, upon every Episcopalian who sits here to vote with me, unless he would brand Episcopalians in Scotland as unfit to be allowed to marry, without first submitting themselves to a sacred ordinance of the Established Presbyterian Church; and I call upon every Roman Catholic to support me, unless he would rivet upon his co-religionists in Scotland the necessity which the law at present imposes on them to participate in a *quasi-sacrament* of the Established Presbyterian Church as the one portal through which they can be admitted to their own sacrament of marriage—the one condition on which their priests are allowed to administer that sacrament of their Church. In conclusion, Sir, I beg to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Dr. Cameron.)

MR. ORR EWING said, the hon. Member who introduced the Bill (Dr. Cameron) had given an interesting history of the penal laws on the Statute Book with reference to irregular marriages in Scotland; but he (Mr. Orr Ewing) did not see within the four corners of the Bill any provisions to remedy this evil. The object of the

Dr. Cameron

Bill was to abolish the ancient system of proclamation of banns of marriage in Scotland, which had existed for centuries under various Christian Churches. It was a custom that was not confined to Scotland; the same law prevailed in England and Ireland; and he was not aware that the Episcopal Church in England, or the Roman Catholic Church in other countries, stood in that respect in a more favourable position than Scotland. Neither of those Churches would marry until they had proclaimed to the world the intended marriage. The Bill proposed not only to abolish the present law, but to substitute for it another—namely, that of simply registering the intention of marriage in the books of the Registrar appointed for registering births, deaths, and marriages. The reason given for this great change was stated in the Preamble of the Bill to be publicity. The hon. Member had said in addition that his object was likewise to secure economy. He (Mr. Orr Ewing) thought he should be able to show that the method proposed by the hon. Member would not secure greater, but rather less, publicity than at present; while it would entail additional expense upon those who were contemplating marriage. The hon. Member for Glasgow had stated that the present system did not give publicity, because proclamations were made before the congregation had met, and were read over three times so hurriedly that few people knew what was taking place. Now, that was not his experience of the manner in which the law was carried out.

DR. CAMERON said, that what the hon. Member referred to was to be found in the Report of the Commissioners.

MR. ORR EWING said, that in that case the Report of the Commissioners, and not the hon. Member, was wrong. The law was that the proclamation should be on three different Sundays; but there were some cases in which that was not insisted upon. Nor was it insisted upon in England—because special privileges might be obtained by the payment of a fine. But according to the regulations of the Established Church in Scotland, there ought to be a proclamation upon three Sundays; and that was the rule invariably followed in the case of 99 marriages out of every 100. It was only a

great swell, who did not begrudge to pay an extra pound or two, who could secure the thing being hurried over and done in one day. But the hon. Member for Glasgow was aware that the Church of Scotland had issued instructions to all congregations belonging to that communion to the effect that all proclamations should be for three days, and it had reduced the fee to a uniform sum of 2s. 6d. He had no doubt that in *quoad sacra* churches that was to be the maximum; and he believed the day not to be far distant when the proclamation of banns would be done for nothing. Moreover, it was necessary in the case of parties intending to get married who resided in different parishes that the proclamation should be made in each parish. Now, what was the intent of this Bill? It was to enable parties to register their intended marriage in the common register, a copy of the proclamation to be placed outside the walls of the registry office. Now, he (Mr. Orr Ewing) would ask any hon. Member who was acquainted with registry offices in great towns—small offices situated in obscure streets through which the people seldom passed—whether it was at all likely that the general community or those interested in a particular marriage would know anything about it? By the rules of the Church, the proclamation of banns would now be made for three Sundays, when the congregation was gathered together and the clergyman had ascended the pulpit, and he must say he did not know of any system which could be adopted that would give greater publicity than that. He thought his hon. Friend the Member for Glasgow stated that the expense incurred was upon an average 10s. 8d. He (Mr. Orr Ewing) did not know where he got his information, but that which he had himself received did not agree with it. He could assure the House that in the country districts such fees were altogether unknown. But whatever fees might have been charged hitherto, hon. Members knew that it was the resolution of the Church that they should be cut down to 2s. 6d.—and under his hon. Friend's Bill they would amount to 2s. 1d. But his hon. Friend stated in his speech that he did not intend to interfere with the Church making such regulations as they thought proper, regarding the proclamation in the Church. If that

were so, would it not entail an additional expense? The fact was that the real object of this Bill was to take away the privilege which belonged to the Established Church of Scotland in order to put Dissenting bodies on terms of equality with it. Now, he was perfectly prepared to put Dissenting Churches upon terms of perfect equality with the Established Church upon every question which did not affect the principle of an Established Church, and had the hon. Member brought in a Bill to give to the Dissenters of Scotland the same privilege enjoyed by the Church of Scotland to proclaim the intention of marriage on the part of their own members, he would have given it his most hearty support. But the hon. Member did not like the system of levelling up—what he sought was a levelling down:—and accordingly he had brought in this measure to do what could not help proving to be very injurious. Although the people of Scotland did not believe that marriage was a sacrament, yet they did feel that it was the holiest union that could exist between human beings; and that while it was a solemn ceremony and ought to be conducted by religious service, still that every facility should be given by the law to persons to be married. Nevertheless, very few irregular marriages took place, for the people preferred to be married by a clergyman in a regular way. He thought the present system had worked well in Scotland, and that they ought not to make this revolutionary change without some far stronger ground being shown for it than that relied upon by the hon. Member for Glasgow. He would also point out that the House, in approving the principle of this Bill, would invade the spiritual right of the Church. Parliament and the State had never interfered with the Church in laying down its own regulations as to how its members should be married. If it were thought desirable to make a change in the marriage laws of this country, it was the duty of the Government to introduce a Bill for that purpose; but he must protest against that being done by a side wind. His hon. and gallant Friend the Member for East Aberdeenshire (Sir Alexander Gordon) had put down an Amendment that, while not refusing to read this Bill a second time, it was desirable that a Committee should be ap-

*Mr. Orr Ewing*

pointed to inquire into the subject. But he (Mr. Orr Ewing) felt so strongly in regard to the principle of this Bill—that it proposed to alter a system which had worked well hitherto, and which the people did not desire to see changed—that he felt bound to oppose the second reading. He desired to see the marriage service in Scotland remain as it had hitherto been, a religious service, and that the ministers of all denominations should take a deep interest in the union of the members of their respective flocks in marriage. He did not desire to see that which he looked upon as a holy service secularized by the simple registration of the intentions of the people in a registry office. For these reasons, he begged to move that the Bill be read a second time that day three months.

SIR WILLIAM EDMONSTONE seconded the Amendment.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Mr. Orr Ewing.*)

MR. BAXTER said, there could be no reason for referring the law respecting the proclamation of banns of marriage to a Select Committee or any other tribunal. The law was perfectly well known, and the question was an extremely simple and plain one. His hon. Friend the Member for Glasgow (Dr. Cameron) in a very interesting address had entirely exhausted the subject, both as regarded its history and the present position of the law. He therefore had not the slightest intention of troubling the House with a long speech upon that occasion; but he must say that he had long thought that the law with respect to the proclamation of banns in Scotland was in a very unsatisfactory state. Indeed, he thought it was some reflection on Scotch Members that not one amongst them had taken up the question long ago. The hon. Member for Dumbartonshire (Mr. Orr Ewing) said the proclamation of banns in churches was an ancient and time-honoured institution. Well, probably when it was instituted it was not only the best, but the only mode of securing publicity. But his hon. Friend altogether passed over the fact that circumstances had entirely changed in Scotland. So far from considering that the proclamation was of any

use, his experience of it was that it was something very like a farce. The practice was established at a time when there were no registries and no newspapers, and when the whole population of Scotland attended the national Church. The hon. Member knew as well as he did that the population of Scotland no longer attended the national Church. He would probably not admit it, but he (Mr. Baxter) maintained that the Dissenters were in the majority, and therefore circumstances had completely changed. But, moreover, he entirely agreed with the hon. Member for Glasgow, that the great majority who did attend the Established Church did not hear these proclamations. The hon. Member for Dumbartonshire said that it was not so; but the General Assembly had admitted it, because they had passed a series of resolutions, one of which was that the proclamation should in future be made after the clergyman had taken his place in the pulpit.

MR. ORR EWING: That was only because the practice was not followed out in all churches.

MR. BAXTER: It was because it had not been the practice in Scotland that the General Assembly had issued an instruction to put matters in a more satisfactory position; but he joined issue with the hon. Member altogether, and would go further than his hon. Friend the Member for Glasgow in this matter. To his mind, these proclamations were very much out of place—and he had often thought they rather savoured of an offence against good manners. They often saw a man get up immediately before the solemn worship of God commenced, and bawl out in stentorian tones the banns of marriage between certain parties. These announcements were possibly necessary in barbarous times, when there was no other mode of obtaining publicity, and that was the only possible thing that could be said in their defence; but to his mind the whole system, now that they had other means of obtaining publicity, was very much like a farce. The hon. Member for Dumbartonshire (Mr. Orr Ewing) let the cat out of the bag when, after objecting to some of the provisions of the Bill, he said the reason why he opposed it was that he believed it to be a covert attack upon the privilege of the Church of Scotland. Now, he (Mr. Baxter) was not going to

say a word against the Church of Scotland, which had a grand and noble history, and which he admitted had still some claims upon the sympathies of the Scotch people—and more especially as it seemed probable now that that party in the Church to which the hon. Member for Dumbartonshire probably did not belong—powerful in talent, but probably not very influential as yet in numbers—might gain the upper hand. He meant that party in the Church which did not believe in strict Confessions and exclusive Creeds, but which was setting a noble example in favour of liberality of sentiment and Catholicity of spirit. He (Mr. Baxter) looked forward to that party gaining the upper hand in the General Assembly. Be that as it might, he totally objected to the General Assembly of the Established Church, or of any other Church, having it in its power to fix fees, or to amend or alter the law of Scotland in any respect with regard to the law of marriage. It was entirely a civil affair. It was very proper that all the ecclesiastical denominations should have their own rules and arrangements with regard to marriage; but the publication of the intention was an affair which concerned not the religious persuasions only, but the whole body of the people, and it was the duty of the Legislature to secure to the whole body of the people means of becoming aware of that intention. And he knew no better means than was proposed in the Bill of his hon. Friend. The Bill had received the sanction of the General Assembly of the Free Church; and, surely, the registrar of the district was the proper party to receive the notice and grant the certificate in the case of marriage. It had been proposed frequently that that privilege, which was at present monopolized by the Established Church of Scotland, should be given to the Dissenters; and he was rather sorry to hear the hon. Member for Glasgow say that in the event of that privilege being conceded, he thought that some of the Dissenting denominations in Scotland might well avail themselves of it. [Dr. CAMERON explained that he spoke of purely voluntary action.] He (Mr. Baxter) believed that Dissenting Bodies did not want the extension of this privilege—what they asked for was the Bill of his hon. Friend. He thought that to extend this privilege, either by

law or voluntarily, would be a sort of aggravation of the evil. As to the Bill which the hon. Member for Dumbartonshire said was a revolutionary measure—if every simple Bill of that sort was to be considered a revolutionary measure, the term would be greatly misapplied. He thought it was an extremely well-drawn Bill, and that it afforded the best remedy for the grievance which was on all sides admitted.

SIR ALEXANDER GORDON: Sir, I had intended moving that this subject should be referred to a Select Committee, but as I have not, as I expected, been called upon from the Chair, I have missed my opportunity of moving that Amendment at present. I shall therefore content myself with stating my objections to the Bill. I find some difficulty in dealing with the question brought before us by the hon. Member for Glasgow (Dr. Cameron), in consequence of the vagueness of the 4th clause. The House is asked to repeal all laws, statutes, and usages, so far as they require proclamation of banns of marriage between persons intending to contract marriage; but the hon. Member has not said in the Bill what those laws are—what Acts or parts of Acts he refers to. As far as my limited experience of this House goes, it is the invariable practice, when a Bill for repealing Acts is brought before the House, that those Acts should be specified. We are now called upon to repeal—we know not what—the laws relating to marriage and banns of marriage in Scotland. When we consider what some of those Acts contain, we should be cautious how we repeal them without knowing exactly what we are about. Now, there is one Act to which all Scotchmen attach importance—namely, the Act of Union, which only obtained the consent of the Scotch Nation upon certain conditions. In that Act will be found the words—

“That the Presbyterian form of Church government, so ratified and established, shall continue without any alterations.” &c.

Without the Acts which it is proposed to repeal being specified, I think it would be a very imprudent step on the part of this House to say that they should be repealed; and on that ground alone I think I shall be justified, if the opportunity is afforded me, of moving that this question should be referred to a Select Committee. I

should like to correct an error into which the hon. Member for Glasgow fell when he informed the House that Episcopalian ministers could only celebrate a marriage in an Episcopalian church after the banns had been published in the parish church of the Establishment. He will find that the Act 10 *Anno*, c. 7, s. 6, runs as follows:—

“And provided likewise that no Episcopalian minister residing in Scotland may presume to marry any person but those whose banns have been published three successive Lord's Days in the Episcopal congregations which the two parties frequent, and in the church to which they belong. Parishioners by virtue of their residing for,” &c.

Then it goes on to recite—

“And the ministers of the parish church are hereby obliged to publish the said banns, and in the case of neglect or refusal, it shall be sufficient to publish the said banns in any Episcopal congregation alone, any law, statute, or custom to the contrary notwithstanding.”

That shows that so far back as 1711, Episcopalians could be married by banns published in their own churches only. The House will bear in mind that in 1711 the Episcopalians were the only Dissenting Body in Scotland. At the present time they only amount to something like 60,000 out of a population of 3,500,000, and in those days they must have been, I imagine, very much fewer; and it only shows what Parliament did 150 years ago in regard to giving facilities for Dissenters publishing banns of marriage. Now, the Preamble of this Bill states that it is brought before the House in order to make better provision for giving publicity to the intentions of persons about to marry; and unless the hon. Member for Glasgow and those who support him can show that greater publicity will be obtained, I say that they have not proved to the House that the Bill ought to be read a second time. The hon. Member for Dumbartonshire (Mr. Orr Ewing) has anticipated me in a great deal of what I was going to say, and I will not repeat his arguments to the House. Anyone who knows my countrymen will know that they do not waste their time going about to registry offices to find out who is going to be married:—if they know a marriage is going to take place they do not require to come to the registrar's office to get the information; and if they do not know it, they will not waste time in going to the registry. Therefore, I consider

*Mr. Baxter*

that the proposed mode of publishing the banns will not give the publicity which the hon. Member seeks. I admit a great deal of what the hon. Member for Glasgow stated, as to the objectionable nature of the present system. The high charges in many cases have been most improper. The publishing of the banns thrice on one Sunday is also in my opinion most improper. I wish to remind the House, however, that this proposed step is an important one which affects not Scotland only, but the other two Kingdoms. I hope the House will be cautious before such a step is taken, for we are asked to alter in this hurried way a system which has existed for 300 years. I should like to see this question further inquired into before we legislate upon it, for many reasons—one of which is the recent decision in the House of Lords. I should like myself to see the practice of publishing the banns of marriage extended to all religious bodies, and made as valid in their places of worship as in the Established Church; and I should like to see the certificate of any of their ministers as valid as that of the ministers of the Establishment; but I think further inquiry is necessary. The Bill does not provide for one defect which the hon. Member for Glasgow stated was in the existing law—namely, the absence of registration of marriage. The Bill provides for the registration of the publication of banns, but does not, as far as I can see, make provision for the registration of the marriage when it takes place.

DR. CAMERON: If the hon. Gentleman will allow me to explain, I would say my position is that the registration of marriages after they take place is at present amply provided for by the existing Act.

SIR ALEXANDER GORDON: Then there is no alteration in the law—the Bill does not provide the remedy which I understood the hon. Gentleman to say was required. It repeals the old law. Perhaps I may have an opportunity of moving the Amendment I have on the Paper on a future stage; but, in the meantime I have only spoken to that of the hon. Member for Dumbartonshire.

SIR EDWARD COLEBROOKE said, he thought the alteration proposed by this Bill was one which could not be said to affect in any serious way the Church of Scotland. The Church would flourish

and be as strong after the Bill passed as before; and those hon. Gentlemen who had spoken against the Bill had refuted their own arguments by exposing the defects of the existing law and their willingness to accept changes of equal importance to those proposed by the Bill. The hon. Mover of the Amendment (Mr. Orr Ewing) admitted that the present state of the law afforded no security for that proper publication of the intention of the marriage which the public had a right to expect. This question was not merely one of expediency; it was a question of urgency; for while Parliament was deliberating, the General Assembly was acting—it had already proposed a resolution on this subject; and the question they had to consider was whether this was not an Imperial question, which Parliament should take cognizance of, and which they could deal with in a far more effective manner than the General Assembly. He trusted there would be no obstacle interposed which would prevent this House taking the question up and dealing with it effectively. While saying that much, he honestly confessed that although there was great inconvenience in the present state of the law in populous districts, where the different denominations divided the population, the law afforded a very easy and simple mode of giving publicity to marriage in thinly populated districts. He rose for the purpose of suggesting that the second reading should be assented to, and that the Bill should be put into shape in a Select Committee. The hon. Member opposite (Mr. Orr Ewing) was apparently unnecessarily alarmed at the repeal of existing usages proposed in the Bill. It would not repeal any usage the Church of Scotland chose to insist upon among its own churches—it would only repeal those statutory enactments which established certain preliminaries as a condition of legal marriage. It did not interfere with any privilege which the Church of Scotland could justly claim; but he did think that there was here a fair opportunity of bringing the law more in accordance with that of England, under which banns were proclaimed in churches, but power was given to Nonconformists or others to proceed by another process through the registrar—that being an equally legal mode of giving publicity to the

they had got rid of the fee, which was productive of discontent and immorality. Above all, he objected to the Bill on the ground that it was confessedly piecemeal legislation, and that it only touched a fringe of perhaps the greatest question upon which a statesman could have power to legislate.

MR. RAMSAY supported the Bill. In illustration of the want of publicity in the present system of proclamation of marriages, he said that on occasions when there was no worship in a parish church, or before a single member of the congregation had arrived, the banns were often proclaimed by a precentor or other officer going to the door of the church and reading them aloud. The question at issue was really whether Parliament should leave it to the General Assembly of the Church of Scotland to determine what regulation should be made to secure publicity of marriage, or whether Parliament should take upon itself to determine what these laws should be. The objection that the General Assembly had already reduced the fees was no reason why this Bill should not be passed, and was far from satisfactory to him. To Dissenters it was an aggravation of the offence of the Assembly for them to say that they were to take upon themselves to administer or regulate the law of marriage in Scotland. It had been said that Dissenters did not wish for the Bill. This was contrary to the fact, they might well take for granted that the United Presbyterian Church and the Free Church, knew their own minds when they had passed their resolutions in its favour.

MR. MAITLAND was bound to say that, having read very carefully the provisions of the Bill, he was convinced that it would not do anything to increase the publicity that now existed for proclamation of marriages. On the contrary, he felt it almost impossible for any man who had considered the matter fairly, and apart from the religious question, not to believe that it was much more likely that people in a neighbourhood would hear who were going to be married, if that intention was proclaimed (it might be only once in a few cases, and he thought it ought always to be thrice) in church, than if the intention were announced in writing in a document on the door of the registrar's house or office, which many of the people, no

doubt, most affected by this Bill could not read. Even if it did, however, secure the publicity at which it professed to aim, there were many persons who by no means entirely approved of publicity. For instance, where a man and a woman had been for some time without notoriety living in a state of concubinage, and wished to legalize their union, they would have a very strong objection to have that fact made known to the world, as it must be were there to be a general system of publicity. He had no interest whatever in the jealousies of the various Churches. The Established Church might be very far wrong in this matter. Undoubtedly, it was a great mistake that the fees were so high, and he hoped that would be remedied. There might be difficulties also in parties being required to reside so long a time in the place where they were to be married, but whatever need there was for reform in this matter, he did not think the proposals in this Bill would do the thing it professed to do; and on that ground he felt unable to support it.

SIR WILLIAM CUNINGHAME said, it seemed to him curious that the most convincing speech in favour of the Bill had been made on this side of the House by his hon. and gallant Friend the Member for Ayrshire who intended to vote against it, and the most convincing speech against had been delivered by the hon. Member who had just sat down, who intended to vote in its favour. He entirely agreed with the last speaker in believing that publicity was of greater importance, and generally agreed with him in all he said against the proposal. He did not intend to follow him through his speech; his object in rising was to reply to a remark made by a previous speaker, who said there was no alternative but either to accept this Bill or to have no reform at all, and that the question really was whether the whole matter should be left to the General Assembly, or whether Parliament should undertake it on the lines of this Bill. He (Sir William Cuninghame) considered there was another alternative, which was to reject this Bill and hope for a less objectionable proposal at some future day, which step he ventured to urge the House to take as he did not consider the plan of reform proposed in the Bill was such as ought to be accepted by the House. He entirely agreed

*Colonel Alexander*

to England as well as Scotland; but they said that publication created great disquietude to people who were apprehensive of temporary annoyance. The Report was suggestive on this head. It said—

“As we have been informed, some who have been living in concubinage, and who otherwise might have been disposed to marry, have abstained from doing so in consequence of the notoriety attending the publication of the banns.”

And the Commissioners added—

“It seems universally agreed that no really valuable publicity is attained by the banns. They afford no safeguard against improvidence, illegality, and fraud, and they are often productive of greatly inconvenient and unseemly interruption to Divine service.”

That last remark, of course, applied more to England than Scotland. In England the banns were at any rate duly proclaimed by the minister from the reading desk, and hence were done decently and in order, and on three successive Sundays; but in Scotland, notwithstanding what was said by the hon. Member for Dumbarton (Mr. Orr Ewing), the banns, as a general rule, were proclaimed by the precentor, in the absence of the minister, and before the congregation assembled for Divine worship, and he maintained, in opposition to the hon. Member, that oftener than not a triple proclamation was made on one Sunday. The pay was much or little in different parishes, according to the will of the session clerk. The hon. Member for Edinburgh (Mr. M'Laren) said on this point—

“It had come to this—the session clerk in one parish may say, ‘My fee is 10s.’; another will say in another parish, ‘My fee is 15s.’; and a third in a third parish will say, ‘My fee is a pound.’”—

And then his hon. Friend went on to tell the Royal Commission that the people did not dispute the charges, for they could not help themselves. In return for these exorbitant fees, the session clerk did nothing or next to nothing. In the evidence before the Commission it was recommended that a fee of 2s. 6d. should be the general and legitimate charge, and this sum the General Assembly now rather tardily had proposed in substitution for the present exorbitant fees. He had the greatest respect for that venerable body, which had certainly done good work in

the past, and he hoped would do good work again; but he thought they had a good right to ask what had been the reason of their delay in this matter? A document had been issued by that body to Members of this House, which he could only characterize as one of the most extraordinary that ever emanated from so distinguished an assembly. This document was entitled “The Banns of Marriage (Scotland) Bill—Statement against.” He ventured to think that nothing more deplorable, nothing more disingenuous, than that statement was it possible to conceive. There was a great deal in it about the great desirability of celebrating marriages *in facie ecclesie*, and about the right of the Assembly alone to regulate the publication of banns of marriage, or otherwise amend regulations which they had entirely neglected to amend. The document went on to say that the General Assembly had already proposed to amend regulations. That word “already” would lead any inattentive observer to think that they met this question long ago; whereas they never took any action in the matter until it was suggested to them by the Bill introduced by the hon. Gentleman opposite (Dr. Cameron). The Royal Commission sat 10 years ago, and notwithstanding that it was proved by not only Dissenters, but the most eminent men of the Church of Scotland, that the present lax practice was productive not only of hardship and of discontent, but also of positive immorality, it was only now that the General Assembly roused itself from its lethargy, and proposed the abolition of the triple proclamation, and to limit the fee to 2s. 6s.—which, if they had the power to do—and that he very much doubted—they ought to have done long ago. Of the many questions discussed by the General Assembly, he ventured to say that none could be more important to the country than this. Doubtless the General Assembly was very much occupied; but as long as it neglected this and other great kindred questions affecting the welfare of the whole people, their best motto would be *Strenua nos exercet inertia*. Why, then, should he not vote for the Bill of the hon. Gentleman? Simply, because there should be a *locus penitentiae*, even to such an august body as this—because although their concessions were tardy, they were valuable; because



It was a great step in that direction. He confessed he was surprised at the assertion of the hon. Member for Dumbartonshire (Mr. Orr Ewing,) that the publication of banns was confined to a few isolated cases of "swells." In the chief town of the hon. Member's own county he found that 33 out of 90 must be "swells," and in the village of Row the number of cases proclaimed once on Sundays was 29 out of 66. He denied that the Bill would take away any privilege of the Church. Either the publication of the banns was a religious act, or it was not. If it was a religious act, then they were placed in the extraordinary position in Scotland, that Protestant Episcopalians or members of the Roman Catholic Church must needs go through the religious rite of the Presbyterian Body before the rite of their own Church could be performed. Could any Member representing an English constituency vote for such a principle as that? If it was a religious act, why was this privilege to be given to one Church? If it was not a religious act, why were not the Dissenters allowed the privilege? He should have been disposed to support the proposition of the hon. and gallant Member for Aberdeenshire (Sir Alexander Gordon) if this subject had not already been fully investigated: but there had been investigation. In 1866 there was a Report issued by a Commission appointed to inquire into the Marriage Laws, and he wished to call the attention of the House to that Report, believing that when hon. Members opposite heard the names of the Commissioners, they could not refuse their votes to this Bill. The Commission said—

"Without proposing that the publication of banns should be prohibited or interfered with in the Established Church, when desired by the parties, or any other Churches when required by their particular discipline and usage, we recommend that such publication should not henceforth be required by law as a condition either of lawfulness or regularity of marriage."

This Bill went on the lines of that recommendation. The hon. Member for Dumbartonshire (Mr. Orr Ewing) said this was a revolutionary measure. Who were the revolutionists? The first Commissioner was the right hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope)—a name that would command the universal

respect of the House. The recommendation was concurred in by Lord Chelmsford, a Conservative ex-Lord Chancellor, and by Lord Hatherley. Was he a revolutionist? Was he one who wished to deprive the Church of her privileges? Would he do anything to secularize marriage? These were the words also of Lord Selborne. Was he one who would do anything to secularize marriage, or do away with anything that made marriage sacred? But, more than that, these were the words of one who must command the highest respect—the present Lord Chancellor. When such men as those had made this recommendation, it would be a very strong measure indeed for hon. Gentlemen opposite to vote against it. The Nonconformists of Scotland not unreasonably complained that the existing regulations were vexatious as well as useless. Yet the hon. Member for Dumbartonshire, and Conservative noblemen in the country, called this Bill revolutionary, and wished to preserve the existing law! In his own part of the country, where a river divided the town, parties marrying on the one side were made to pay a fine of £2. To a poor man that was a very hard case. Holding marriage to be a religious act, he believed the law a bad one which imposed a fine on persons who wished to be married religiously; and he supported this Bill because it would enable people to be married by sacred rite and in proper order.

MR. DALRYMPLE felt certain that if a division were taken on the second reading of the Bill there would be a good deal of cross voting. The strongest arguments against the Bill had come from the hon. Member for Glasgow (Mr. Anderson), and yet he intended to vote for the Bill. The strongest speech in favour of the Bill had been made by his hon. and gallant Friend behind him (Colonel Alexander), and he did not intend to vote for the second reading. He (Mr. Dalrymple) felt no doubt about the course he should take. He disliked the Bill; and while admitting that there was a great deal of truth in the statements of the hon. Member who moved the second reading, he did not think the machinery he proposed was of a kind the House ought to sanction. The hon. Member who had just spoken (Mr. Noel) quoted high authorities in favour of

*Mr. Noel*

some changes in the direction of the Bill; but did he mean to assert that the ex-Chancellors and others whom he had quoted had recommended the particular proposals of this Bill? He believed that there was sufficient publicity obtained for marriages under the present system; but he was at the same time of opinion that the present discussion would be of some use in drawing attention to irregularities in the proclamation of banns, and to the unevenness in the imposition of fees. The Bill was similar in one respect to the legislation said to have been characteristic of the measures of the late Liberal Government—it bristled with pains and penalties. In more than one clause were penalties of £50 awaiting persons about to marry. He clearly objected to placing the duty proposed in the hands of the Registrar. The proclamation at present was sufficient for the purpose, and he very much doubted whether the proclamation through a Registrar's office would be as effectual. Statements had been made to the effect that because there were many different religious bodies now in Scotland, there was not the same publicity as formerly in proclamation of banns in the parish Church. Would anyone really assert that, at all events, sufficient publicity was obtained, and that was all that could be expected. He was unable to see that there was anything "revolutionary" in the Bill; it would not do to use that word so lightly—they might need it for other and more serious matters—he himself was simply opposed to the machinery of the Bill, and he should therefore vote against the second reading.

Mr. M'LAREN rose chiefly to make a suggestion—that the Government should allow the Bill to be read a second time, not as approving it, but for the purpose of its being sent to a Select Committee. He had no doubt that any Committee that might be appointed would come to an agreement. If the Lord Advocate did not take up the Bill as a matter of principle he advised him to take it up out of sympathy with his own friends, who had made such strong speeches condemnatory of the present system. If there had been any difference in the condemnation between the two sides of the House, it had been stronger on the Conservative than on the Liberal side of the House.

Mr. M'LAGAN said, he did not approve of the details of the Bill, but he thought the time had come when a change was necessary. When the law was passed which insisted that there should be a proclamation of banns in connection with the Church of Scotland, the greater number of the people of Scotland belonged to that Church. That time had passed: now at least one-half of the people of Scotland belonged to Dissenting Churches, and it was therefore absurd to talk of greater publicity being obtained by the proclamation. But the time had come when there should be a change, and if the Bill should be read a second time, he should prefer a scheme like that which had been recommended by the hon. Member for Dumbartonshire (Mr. Orr Ewing). He thought such a scheme would be more in accordance with the religious feelings of the people of Scotland than the scheme in the present Bill. He hoped the Lord Advocate would allow the Bill to be read a second time, for to refer it to a Select Committee would be simply to shelve it.

THE LORD ADVOCATE: The question involved in this Bill is one that deals with a matter of very great delicacy. It relates to the law of marriage in Scotland, which differs from that in England especially in this respect, that it undoubtedly affords facilities for irregular marriages. Although I believe there is a general concurrence amongst the people of Scotland in preferring their marriage law to that of England, yet, at the same time, looking at the substantial difference which exists between the law of the three countries—for there is a difference in the law of Ireland and England as well as in the law of Scotland—it becomes a very delicate matter indeed to interfere in anything that enters into the marriage ceremony of any of the countries. Further, it is the interest of Scotchmen not to secularize more than there may be necessity for the marriage ceremony in Scotland. At present, both in England and Ireland, as well as in Scotland, the law provides for proclamation of banns in each country. No doubt it is not essential in England and Ireland that the proclamation should be in the parish church, but it is a matter of some difficulty to arrive at a correct conclusion as to the precise provisions which are there in force as to the mode of proclaiming the intention of marriage,

and how far it is afterwards to be completed by a religious ceremony. Assuming, however, that it is the law in England and Ireland—at all events, it was in Ireland before the Irish Church was disestablished—that there should be a proclamation of banns in a church or building licensed for that purpose, is it not important that the House should do nothing by this Bill to shake the rules which prevail in England and Ireland with reference to the proclamation of banns? Yet it will be observed that the effect of the machinery proposed to be established by the present Bill is to set up a new mode of proclamation which does not exist in either of the two other countries. I caution the House against hastily interfering with the Marriage Laws. Although they have been the subject of a Report of the Marriage Commission in 1866, that Report has been laid aside at present—it has been laid aside by successive Governments, who have not yet thought proper to take up the question. It is a very difficult question indeed—one of the most difficult which can engage the attention of Government. I have reason to know that it was under the consideration of the present Lord Chancellor to take up the question of the Marriage Laws; but he found that the amount of business required to be transacted in the course of this Session was so great that he was afraid to bring forward any measure. But I think that it is not at all improbable that before long there will be some measure introduced by the Government which will comprehend the whole law connected with marriage, and in particular deal with this matter of proclamation of banns. I therefore think it is of great importance that we should not by any Resolution of this House adopt a principle which may produce a totally different system in Scotland from that which exists at present in England and Ireland, or which might fetter the Legislature hereafter, by adopting the machinery set forth in this Bill. It is said that this question of the notice of marriage is really of a civil character. Reference has been made to the case in the House of Lords; but in that case it was regarded as a Church regulation, and was not looked upon merely as a civil question. What is proposed by this Bill is to lay down a contrary rule on the question. I do not say that it is not in the

power of the State to control the Church in this particular, for I can conceive that if there is any abuse, the State is quite right to control the Church. But the first point to consider is this—has there been such a practice permitted as would justify the House in coming to a conclusion that the mode proposed by the hon. Member for Glasgow should be supported in preference to that which exists at present? There is no doubt that occasionally, in particular churches, there may not be that attention called to the proclamation of banns which there ought to be; but, as a general rule, I venture to think there is no part in the Church proceedings which is more attended to than that which gives notice of a most important event connected with the personal and social prospects of young men and young women. Without venturing to say that you cannot have a better mode than the present of securing publicity, I have no doubt that the present is much better than the plan of the hon. Member for Glasgow. The hon. Member took occasion to refer to a Report by the Free Church to the Royal Commission, and he said that the system which he proposes is that which was recommended by the Free Church. At page 43 of the Appendix to the Report of the Commission will be found the statement on behalf of the Free Church. They say “the present system is now admitted to be inefficient as a means of proclamation.” Secondly, “it is much complained of in consequence of the fees exigible by the session clerks,” and “the exaction of these fees prevents many poor persons from going through the ceremony of marriage before a minister.” That is a matter which is being remedied by a resolution of the Church—the modification of fees being very considerable indeed, the fee mentioned in the Resolution of the General Assembly being “not exceeding half-a-crown,” which is below the amount charged in England. Lastly, in the recommendations of the Free Church there is no reference made to a notice being given in the registrar’s office. On the contrary, what is suggested is that “it should be published on the doors of the parish church or otherwise.” I cannot say that that would secure adequate publicity, as there are already a great many notices required to be

posted on the church doors—such as Militia notices, Income Tax notices, and so on; and if the names of those intending to marry were simply stuck upon a board at the church door, many persons would fail to see them unless they went for the special purpose. Therefore, I submit that neither the plan suggested by the Free Church nor the plan proposed by the hon. Member would provide sufficient publicity. But I return to the consideration which I venture to think is sufficient to determine the action of the House at the present moment, why should there be laid down for Scotland a new rule entirely different from that which prevails in England and Ireland? That would fetter you when you came to deal with the question of proclamation of banns in other parts of the Kingdom. I have expressed the opinion that the Bill does not provide sufficient machinery for notice being given to all parties, and that the present system is preferable to that which is proposed by the hon. Member for Glasgow. But without going into detail, I submit that on the general ground to which I have referred the Bill ought not to pass; and indeed the hon. Member himself did not think that there was any chance for the Bill this Session. There will be no loss, in dealing with the question, by postponing this Bill until we have an opportunity of considering the whole law of marriage, at least in so far as connected with the proclamation of banns in the three countries, as well as in Scotland. I do not dispute that there may be some room for improvement; but then I think in a matter of so delicate a character as that connected with the law of marriage, we ought not to rush into a scheme which evidently has not commended itself to Members on either side of the House.

SIR GEORGE CAMPBELL thought the Government must feel that some change was absolutely necessary, and he rose to express his disappointment at the declaration of the Lord Advocate, which he must think somewhat feeble. He told them that some day or other the whole law of marriage would be considered. They did not want a radical revolution of the marriage laws in Scotland; and if they did, they would not be likely to get it for a long time, for was it not the case that the House

was glutted with business of all kinds? Were they to be satisfied in the hope that a real practical grievance of that kind would be remedied merely by the declaration that the whole law of marriage was likely to be considered? That statement was equivalent to a denial of justice in the matter. It might be that the machinery proposed by the Bill was not the best; but in justice both to the Dissenters of Scotland and to those who wished to preserve the Established Church, it would be just and prudent for the Government to propose a proper remedy for that particular matter. He knew nothing so likely to be injurious to the Church of Scotland or to the whole question of Establishment than the keeping up of an irritating and unjust privilege of this kind. On that account, although he would not pledge himself to the machinery of the Bill, he should vote for the second reading.

DR. CAMERON, in reply, pointed out that the right hon. and learned Lord Advocate was in error in supposing that the system proposed by the Bill was something entirely different from what existed in England or Ireland. It was a system perfectly well known in England—where, as his Lordship would see if he referred to Page 8 of the Marriage Laws Commissioners' Report, in all marriages between Dissenters notice was required to be given to the district registrar and a licence obtained from him. In fact, what the Bill proposed was really that the law of Scotland should be assimilated to the law of England on this point. In England the proclamation of banns was made by the officer entrusted with the registration of the subsequent marriage. In England all marriages celebrated in an Established church were registered in a church register of marriages. In Scotland there were no such registers, and the duty of registering marriages in all cases devolved upon the district registrars. In England whenever it did so, the duty of receiving notices of intention to marry and of issuing licences devolved upon these officials also. This was exactly what the Bill before the House proposed. It had been said that the proposal in the Bill was not that which was proposed in the Report of the Commissioners; but without wearying the House with quotations, he had no hesitation in saying that

the Report of the Commissioners completely embraced the proposals of the Bill. He was not wedded to the mere machinery of his Bill. He did not care whether the notice was put upon the registrar's door or any other accessible place. What he sought was to get rid of a disability which no one justified, and of which everyone complained. It was useless to argue in favour of the present system, for it was doomed. If Parliament did not deal with it another body would. An hon. Member had objected that the Bill only touched the fringe of the subject; but this was the only part of the marriage question which was certain to be legislated upon by others if Parliament neglected it. The rest of the Marriage Law could be allowed to stand over; but as regarded this part, unless Parliament interfered the result of the action of the General Assembly would be to impose a new law upon members not only of their own Church, but upon the members of every Dissenting Body in the country. The fact that an ecclesiastical Body should thus be permitted to frame a law for persons outside its own communion—to lay down rules, any infraction of which laid the offender open to heavy penalties—at this period of the 19th century was such an obvious anachronism and absurdity that it constituted the strongest argument which could be brought forward in favour of the Bill. His hon. Colleague (Mr. Anderson) had said in the course of the debate that there was no necessity for any publicity being given to the intention of marriage. If he would turn to the evidence given before the Marriage Laws Commissioners by the late Roman Catholic Bishop of his own constituency he would see that he was in error; for Bishop Murdoch stated that although during an experience of over 40 years he had never known any instance of the discovery of an impediment to an intended marriage by the calling of banns as at present practised in the Established Church, discoveries had again and again resulted from the simultaneous publication in Roman Catholic churches and chapels, thus at once showing the need for publicity and the uselessness of the present system in securing it. As to the proposal to refer the Bill to a Select Committee, he desired nothing better. All he wished the House to do was to affirm

the principle of the Bill; and thinking it was not too much to ask the House to pronounce an opinion on the subject, he must press his Motion to a division.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 141; Noes 166: Majority 25.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

#### LANDLORD AND TENANT (IRELAND) ACT AMENDMENT BILL—[BILL 40.]

(*Mr. Crawford, Mr. Butt, Mr. Richard Smyth, Mr. Thomas Dickson, Mr. Macartney.*)

#### SECOND READING.

Order for Second Reading read.

MR. SHARMAN CRAWFORD, in moving that the Bill be now read a second time, said, it was similar to that which he brought forward last year; and though on that occasion it was described as extravagant and wild, its principle was simply that of Ulster tenant right as it existed before the passing of the Irish Land Bill in 1870. That principle had been well defined by the late Mr. Conolly when he said, in supporting his father's Bill in 1852, that the custom of tenant right in Ulster implied a power on the part of the tenant, whether on lease or at will, to sell the goodwill of the premises which he occupied to an incoming tenant at the highest price he could obtain in the market, and that he should not be disturbed in his occupation so long as he paid his rent. That was the Ulster tenant right. That was what the late Mr. Sharman Crawford contended for. Moreover, since the passing of the Irish Land Bill many practical grievances and anomalies had arisen in the system, which required a remedy. For instance, on properties where tenant right had existed for generations many complications and misunderstandings arose, and changes had taken place. Farmers having tenant right were not now allowed to sell their right without the consent of the landlord. Last year a farmer died; his widow wished to dispose of the tenant-right of the farm, and was offered for it—

*Dr. Cameron*

by a respectable and solvent tenant £500. The office would not accept the offered purchaser as tenant, and offered to take the farm and gave her £170 for it—£330 less than she could have got from a solvent tenant. In another case, a tenant's wife died, leaving a family of sons and daughters. He made up his mind to leave his farm; a wealthy and respectable farmer offered £200 for the tenant-right. The office refused to permit the sale. Circumstances, however, compelled the tenant to leave his farm, and he left without receiving one penny of the £200. He and his young family had to start life anew penniless. It was unjust to the out-going tenant that he could not sell his right without the consent of the landlord. He hoped the House would consider the hardship which this restriction imposed on the tenant, and allow the Bill to be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Sharman Crawford.*)

MR. GIBSON opposed the Bill, and said the hon. Member had prudently abstained from stating the provisions of his Bill, which, in fact, proposed almost a revolution in the law of the land; and he did not think one or two hard cases, such as those the hon. Gentleman had cited, were sufficient to justify a revolution. The Bill pretended to amend the Land Act of 1870, but it was not an amendment Bill: it was a Bill not to settle, but to unsettle—a Bill not to allay, but to create excitement. The fact of the Bill having been brought forward at so late a period of the Session did not look as if the hon. Member intended it to pass—it was obvious that it was brought in to satisfy the tenant-farmers of Ulster that something was about to be done for them. Ulster was prosperous and contented. The tenant right they were now discussing grew up and was fostered under generous landlords, but until the Act of 1870 it had no legal sanction whatever. According to the present law in Ireland the occupier could get compensation for disturbance and for improvements, and any attempt to change such a satisfactory state of things required much grave consideration. The Ulster tenants were in a better position than those of any other parts of Ireland; for in other

parts of Ireland the tenants could only appeal to the Land Act, but in Ulster the tenants had the benefit of the Land Act, *plus* the Ulster customs; but, in attempting to define these customs, the hon. Member was proposing to do that which the right hon. Member for Greenwich was obliged to admit was impracticable, because the customs varied so much in different places and on different estates. It was, therefore, futile to endeavour to compress a description of these customs into seven or eight lines of an Act of Parliament. The only point of doubt which it was desirable to clear up—the extent to which custom should operate in the case of a lease—this Bill would not settle; indeed, it might have been settled satisfactorily by a Bill which had been lately before the House, but for the opposition of the hon. Member himself and of the secretaries of the Tenant Right Leagues, whose occupations and salaries it would have put an end to. The hon. Member (Mr. S. Crawford) had kept back all the main provisions of his measure, putting forward two cases of alleged grievances, which, if they existed, this Bill would neither have prevented nor remedied; while he kept out of sight the enactments he proposed, which were so unfairly adverse to landlords—so manifestly unfair that he could not suppose the hon. Member had the slightest wish or intention of carrying them. The hon. and learned Member concluded by moving an Amendment that the Bill be read the second time this day three months.

MR. CHAPLIN rose to second the Amendment, and was addressing the House, when—

It being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

Then the House having gone through the other Business on the Paper—

#### METROPOLIS GAS (SURREY SIDE) BILL.

On Motion of Sir CHARLES ADDERLEY, Bill to amend the Laws regulating the supply of Gas by the Phoenix Gaslight and Coke Company, the London Gaslight Company, and the Surrey Consumers' Gas Company; and to grant further powers to these Companies, *ordered* to be brought in by Sir CHARLES ADDERLEY and Mr. EDWARD STANHOPE.

Bill *presented*, and read the first time. [Bill 204.]

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday, 22nd June, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Light Dues (Reduction)\* (132); Waterford, New Ross, and Wexford Junction Railway (Sale)\* (133), and referred to the Examiners; Wild Fowl Preservation\* (134); Slave Trade (135); Local Government Board's Provisional Orders Confirmation (Bingley, &c.)\* (136), and referred to the Examiners; Local Government Board's Provisional Orders Confirmation (Bilbrough, &c.)\* (137), and referred to the Examiners.

*Second Reading*—Bankruptcy (106); Metropolitan Commons (Barnes)\* (119); Metropolitan (Whitechapel and Limehouse) Improvement Scheme Confirmation\* (120); Local Government Provisional Orders, Aberavon, &c. (No. 7)\* (108); Public Health (Scotland) Provisional Order (Wemyss)\* (109); Coroners (Dublin)\* (102); Admiralty Jurisdiction (Ireland)\* ( ).

*Second Reading*—Committee negatived—Army Corps Training\* (128).

Committee—Burghs (Division into Wards) (Scotland) Amendment\* (116); Smithfield Prison (Dublin)\* (117); Kingstown Harbour\* (103).

Committee—Report—Trade Marks Registration Amendment\* (121).

*Third Reading*—Ecclesiastical Offices and Fees\* (123), and passed.

PRIVATE BILLS—GAS LIGHT AND  
COKE COMPANY BILL.

## SECOND READING.

Order of the Day for the Second Reading, read.

*Moved*, "That the Bill be now read 2<sup>d</sup>."

THE EARL OF CAMPERDOWN complained that there was not sufficient Notice of the second reading of Private Bills. It was only by accident that he found this Bill in the list of those set down for second reading on Monday last. It stood on the Paper as practically an unopposed Bill, but it was one which deserved their Lordships serious attention. The Companies to be amalgamated under the Bill as the Gas Light and Coke Company had attained very large dimensions; in the course of a few years it had contrived to absorb almost all its neighbours, and would now extend its operations over three-fourths of the metropolis. Its capital was at present very considerably over £8,000,000 sterling; and in the Bill power was taken

to increase that capital by £2,000,000—one-half in share capital and one-half in the form of loan or mortgage. The standard rate of dividend under this Bill was fixed at 10 per cent. That was provided by Clause 10. By Clause 19 it was provided that the initial standard price of the gas should be 3s. 9d. per 1,000 cubic feet. Regard being had to the price charged for the gas, the Company would be enabled to pay a dividend beyond the standard of 10 per cent; for it had been shown by competent authority that 3s. 9d. per 1,000 cubic feet would give a dividend of 10 per cent; and it might be that by lowering the price below the initial standard of 3s. 9d. there would be a consumption which would enable the Company to pay much more than 10 per cent—perhaps 15 or even 20. Therefore, the effect of raising so much of the additional capital by the issue of new shares instead of by loan would be to raise the amount on which compensation must be paid by any public body which at a future time and in the interest of the public might purchase up the Gas and Water Companies. It was true there was a provision in the Bill that the new shares must be put up to public auction, and that would afford some protection to the public, but it was not a sufficient safeguard. If, as was very possible, the new shares should be sold at a premium, he could not see why the amount required by the Company should not be raised by loan. The Board of Trade addressed a letter to Mr. Forster, the Chairman of the Committee that was inquiring into this subject, recommending that the borrowed capital should not exceed one-third of the share capital of a Company. It was not for their Lordships to say how the Company should raise additional capital, but he thought that what they now did would be used as a precedent for the future; but why should they in this Bill guarantee a fixed dividend? The Board of Trade pointed out that it was as much to the interest of Companies to increase their capital as it was the interest of the public that they should not increase it. But if a dividend was to be guaranteed, why should it be at so high an initial rate? It might be said that 3s. 9d. was the sum sanctioned by Mr. Forster's Committee; but he maintained that their Lordships' House was in no way precluded from expressing an opinion on the point, and that as

Bills such as this formed precedents it would be advisable for the House to do so. On looking through the Gas Bills from various parts of the country which had come before their Lordships' House recently, he observed that where the supply of gas was in the hands of private Companies the tendency was to raise additional capital by the issue of shares; but when it was in the hands of public corporations the tendency was to raise additional capital by way of loan. The Board of Trade recommended that where additional capital was required it should be raised by loan and not by the issue of new shares; and he (the Earl of Camperdown) was of opinion that articles of the first necessity, like gas and water, should be supplied in as pure a form and as cheaply as possible, and that this end could best be attained by their being supplied by bodies that had no interest in making a profit out of them. In any case they had a right to demand that these articles should not be supplied at a rate of profit which appeared to be extravagant. Having brought the matter before the House, he would suggest that a Committee of their Lordships' House ought to draw up resolutions expressing the views of the House as to the way additional capital should be raised by Gas and Water Companies and as to minimum or maximum rates of dividend.

Lord REDESDALE said, he did not concur with the noble Earl in the opinion that there was not sufficient Notice of the second reading of Private Bills, but he did concur with him in most of the observations he had made on the Bill now before their Lordships. When it first came before him he made a note on the clause providing for the raising of further capital, that the Company should not be allowed to raise money otherwise than by borrowing. If raised by shares a much larger sum might have to be paid in the way of dividends—which by the Bill were allowed to exceed 10 per cent—than would be paid upon it if it were borrowed:—money could be obtained by this company readily at 4 or 4½ per cent. He thought the arrangement by which the metropolitan Companies were allowed to have a guaranteed dividend very objectionable. That, however, could not be helped now, because the precedent was laid down years ago; but it was quite open to their Lordships to

object to the mode in which it was proposed under the Bill to raise the additional capital of the Company. To limit the issue of further shares for this purpose would in no way damage existing shareholders. On the contrary, it would be much to their advantage that additional shares should not be issued, as they would sooner be able to get the larger dividend, whereby the public were to gain by a reduction in price.

THE DUKE OF RICHMOND AND GORDON thought the noble Earl (the Earl of Camperdown) had done good service in calling attention to this question; but, at the same time, he hoped he would not interpose any further obstacle to the progress of the Bill. The object of the Bill, which had come up to their Lordships as an unopposed Bill, was to enable the Chartered Gas Company to purchase additional land. When the project was brought forward the President of the Board of Trade saw that it was likely to give rise to protracted and expensive litigation. He accordingly invited the Companies concerned—the Imperial Gas Company, the Independent Gas Company, and the Chartered Gas Company—to meet and discuss the question. He also invited the Metropolitan Board of Works and the Corporation of London, as the representatives of the public and the consumers, to join in the deliberations, and the result of the negotiation and discussion was the compromise embodied in the Bill then before their Lordships. He thought, therefore, that it would be unwise, and he might say unjust, to now stop the further progress of the Bill. The passage of this Bill would secure one point of considerable importance. It was very inconvenient and a great disadvantage to consumers that gas should be supplied in one district by several different Companies: the premises of one firm in the West-end of London were at present lighted by three different Companies. Now this Bill would place three-fourths of the metropolis under one Company. Moreover, purity, uniform pressure, and illuminating power were all promoted by the amalgamation of Gas Companies. He could not go the length to which his noble Friend (the Earl of Camperdown) went in the advocacy of raising additional capital by loan rather than by the issue of additional shares. He was



chosen acted improperly. The Act of 1869 contained some very severe provisions regulating the conduct of the trustee, under which he was required to account to the officer of the Court for his administration of the assets, and was bound to pay all sums over £50 in the aggregate he received in his capacity as trustee into such bank as the creditors should select within a very short time of his receiving them. Under the Bill it was proposed that the provisional Committee of Inspection should consist of the five creditors resident in England by whom the largest amounts appeared by the debtor's list of creditors to be provable. The objection to that proposal was that the creditors of a bankrupt who had lost largely by his failure were seldom desirous of coming forward, and thus proclaiming that they had incurred bad debts to a considerable amount in the course of their business. Great complaints had arisen that the dividends paid under the Act of 1869 on bankrupts' estates were very small; but the fact was that compositions were much favoured by the existing law. The clause which directed that unclaimed or undistributed dividends should vest in the Crown at the expiration of five years, would afford a very efficient check upon those empowered to administer bankrupt estates. He was, on the whole, anxious that the measure should pass, believing that it would prove a very useful amendment of the present law; but whilst it seemed a large measure, it was, in truth, with the exception of four or five clauses, a mere re-enactment of the Act of 1869, and he doubted whether his noble and learned Friend would be able to pass it during the present year in that shape.

THE LORD CHANCELLOR said, he would not repeat the observations he had previously made in introducing this measure, and expressed his obligation to the noble and learned Lord (Lord Hatherley) for the criticisms he had made upon the Bill, and the suggestions of amendment that he had offered. He might point out that although the present Bill looked rather formidable in its dimensions, it was in reality mainly a re-enactment of the Act of 1869, with some new clauses and amendments. He admitted that by proposing to repeal the Act of 1869 and to re-enact the greater part of its provisions in the present mea-

sure he ran the risk of extending the surface of opposition; but at the same time, having always advocated the principle of repeal and re-enactment, instead of patchwork legislation, he should not like to shrink from carrying out that principle in the present instance. The noble and learned Lord had correctly stated that the object of the Act of 1869 was to transfer the power of initiating proceedings in bankruptcy against himself from the debtor to his creditors; but, unfortunately, that Act allowed the debtor to initiate proceedings in liquidation and composition, and the consequence was that bankruptcy proper as compared with liquidation and composition had become a mere trifle. He had thought it preferable, therefore, to abolish the distinction between those methods of procedure, and to place all proceedings in bankruptcy under proper control, and under a uniform system. It was true that under the Act of 1869 a bankrupt was not entitled to his discharge without the assent of the majority in number and three-fourths in value of his creditors unless he had paid 10s. in the pound; but that provision only applied to bankruptcy proper, and not to liquidation or composition. He quite agreed in the views stated by his noble and learned Friend who had recently addressed the House in reference to the appointment of trustees in bankruptcy, and the period within which estates should be wound up when liquidation had been resorted to.

Motion agreed to:—Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on *Thursday* next.

#### INDIA—SLAVE TRADING OF SUBJECTS OF NATIVE PRINCES IN INDIA.

##### SLAVE TRADE BILL.

##### OBSERVATIONS. FIRST READING.

THE MARQUESS OF SALISBURY, in calling attention to the expediency of making provision for the more effectual punishment of the subjects of Native Princes in India who are guilty of the offence of slave trading, and presenting a Bill upon the subject, said: My Lords, the Bill of which I have given Notice is one of considerable importance, and its object may be shortly explained; but I must apologize for not bringing it for-

*Lord Hatherley*

ward at an earlier period. I postponed doing so, because I hoped the Report of the Royal Commission on the Slave Circular might be in your Lordships' hands before I introduced the Bill, and that I might be certain that in the provisions of the Bill there was nothing that required to be amended in consequence of that Report. The case is this—the slave trade on the coast of Africa had been pointed out by Dr. Livingstone to be in the hands of agents of British Indian subjects. This was not strictly correct. It was in the hands, to some degree, of those who were under British rule; but, speaking more exactly, it was in the hands of the subjects of Native Princes, who are under the protection of the Queen. Until lately it was believed that the laws against the slave trade at Mozambique, Zanzibar, and other places in those seas applied as much against the subjects of Native Princes of India as against those who were under the direct protection of Her Majesty. But in 1874 the case of a Cutchee, the subject of the Rao of Cutch, was brought before the High Court of Bombay. A charge of slave-dealing was preferred against him at the instance of the Consul at Zanzibar; and it appeared by the decision of Mr. Justice Gibbs that the Court had no legal power to try a subject of a Native Prince for offences against the English law; and the result was that he was released. Now, this was an obvious failure of justice. In the case of independent Princes negotiations might have been set on foot, and the subjects of those Princes might have been bound by Treaty between the Sultan of Zanzibar and the other Native Princes. But we have bound the Native Princes in alliance with the Queen not to enter into Treaties with foreign Powers. They have surrendered their foreign relations into our hands, and that remedy, therefore, is not practicable; and it is necessary, as you give them protection and undertake all the duties which fall to the Foreign Office with respect to their subjects, to undertake also the duty of punishing them if they commit crimes against the law. The proposal of the Bill, therefore, is to remedy the defect which was discovered by the judgment of Mr. Justice Gibbs, and to enact that the laws against the slave trade—we propose to limit it to that—shall be enforceable in the High

Court of Bombay against the subjects of Princes in alliance with Her Majesty, just in the same way as they are now enforceable against British subjects. Another defect which was brought to light by the judgment I have referred to we also propose to remedy. It turned out that there were no means of taking evidence by commission at the distant places where the offence was committed. If a slave trader is discovered at Zanzibar and sent to Bombay for trial it is almost impossible to send with him the actual witnesses necessary to prove the case. Some may be sent, but all cannot. In the case of British subjects there is a law under which evidence can be taken by commission, and we propose to extend that law by the Bill to the cases with which it deals. Another power we propose to take which, though it is not of very great importance, I think it right to mention. By the existing law all subjects of the Queen committing those offences are tried in the High Court of Bombay, but only Native subjects are tried under the law of England. The result is that the High Court of Bombay has to administer another law in the case of other subjects of the Queen not coming under the denomination of Native Indian subjects. I need not say that there is no difference in substance between the two laws; but there are differences of detail, and inconvenience sometimes arises in the case of persons guilty of the same offence but of different extraction. They are tried under two different laws, and the Court has to administer a law with which it is not familiar. We propose that all subjects of the Queen in custody in India and tried for the offence of slave dealing shall be tried at Bombay under the Indian Criminal Code. That Code is recited in the Bill, and provision is made for its amendment, should amendment be found necessary. These may seem small provisions to attach importance to; but any person who has studied the subject will know that it was necessary to remedy the defects I have pointed out. If Africa were left to herself the slave trade would very rapidly disappear. The very want of civilization, the very savagery which exposes the populations of that Continent to the ravages of the slave dealer—would cure the evil by preventing the appearance of persons of sufficient enterprize and capi-

tal and skill to carry on those nefarious operations. The great evil comes from the fact of there being men of a higher stage of civilization, of Arab or Indian extraction, possessed of sufficient knowledge, arms, and organization to enable them to make victims of the helpless populations of Africa. If you reach those men of a superior civilization by the penalties of the law, you will do more to stop the slave trade than you can in any other way; and we who have under our rule, directly or indirectly 250,000,000 of Orientals, furnish no small contingent of the capitalists—if I may call them so—by whom this traffic is carried on. It is essential that the arm of the law should reach the crime they commit. Especially after the judgment which has been pronounced in Bombay there would be no security for the administration of the law; for not only would you be exposed to slave dealing on the part of the subjects of the Native Princes, but it would be impossible to distinguish between those who had been born on their soil and ours, which would practically leave the traffic open to the whole of the Indian population. There is one thing I ought to mention—namely, that the Rao did his best to check his subjects in these nefarious operations, but the Court of Bombay was unable to give effect to his Proclamation on the subject. I believe, my Lords, that if this measure be passed, a great and beneficial advance will be made, and that other Sovereigns and Chiefs will be led to give us power to deal with their subjects, and that we shall come nearer and nearer to the object of deterring from this traffic all those races whose superior civilization now enable them to engage in it. The noble Marquess then presented “a Bill for more effectually punishing offences against the laws relating to the Slave Trade,” and moved that it be now read the first time.

LORD STANLEY OF ALDERLEY said, he had no objection to the objects of this Bill; but unless the consent of the various Indian Sovereigns whose subjects it was proposed to punish by the Bill, had been given, the measure would propose to enact that which was contrary to the law of nations and an usurpation. The Bill was apparently intended to operate against the Banyans, who traded principally at Zan-

*The Marquess of Salisbury*

zibar, and probably they belonged to a very small number of States, and the consent of their Rulers might easily be obtained; and unless that consent were given this country had no right to inflict penalties on those subjects, and he would feel bound to offer all the opposition to it in his power.

EARL GRANVILLE observed that it would not be convenient at that stage to discuss the provisions of the Bill. From the information the noble Marquess had afforded them he felt convinced that the inclination of the House would be to give the Government all the power they required to carry out the object they had in view.

Motion agreed to; Bill read 1<sup>st</sup>; and to be printed. (No. 135.)

LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (BINGLEY, &c.) BILL [H.L.] (NO. 136.) A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Improvement Act District of Bingley (Two), the Borough of Brighton, the Districts of Chatham and Gillingham, the Special Drainage District of Norton, the District of North Bierley, the Borough of Nottingham, the Improvement Act District of Ramsgate, the Borough of Stoke-upon-Trent (Two), and the Rural Sanitary District of the Ulverstone Union: And

LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (BILBROUGH, &c.) BILL [H.L.] (NO. 137) A Bill to confirm certain Provisional Orders of the Local Government Board relating to the District of Bilbrough, the Improvement Act Districts of Bournemouth and Cirencester, the Districts of Claylane, Eccleshill, Felting, Nelson, and Normanton, the Improvement Act District of Runcorn, and the Districts of Stow-on-the-Wold, Sunderland, and Tormoham: Were presented by The Earl of Jersey; read 1<sup>st</sup>; and referred to the Examiners.

House adjourned at a quarter past Seven o'clock, till To-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

Thursday, 22nd June, 1876.

MINUTES.]—New Writ Issued—For Birmingham, v. George Dixon, esquire, Chiltern Hundreds.

SELECT COMMITTEE—Employers Liability for Injuries to their Servants, appointed and nominated.

**PUBLIC BILLS — Ordered — First Reading —**  
 War Department Post Office (Remuneration,  
 &c.) \* [206]; Tramways (Ireland) Acts  
 Amendment (Dublin) \* [207].

**Second Reading—**Prisons [180], *debate adjourned*;  
 Pollution of Rivers [186], *debate adjourned*;  
 Settled Estates Act (1856) Amendment \*  
 [193].

**Select Committee—**Toll Bridges (River Thames) \*  
 [77], *nominated*.

**Committee—Report—**Jurors Qualification (Ire-  
 land) [127]; Friendly Societies Act (1875)  
 Amendment \* [177]; Bankers' Books Evi-  
 dence \* [171-205].

**Third Reading—**Commons [184], and *passed*.

## EDINBURGH IMPROVEMENT BILL.

[*Lords.*] (*By Order.*)

### SECOND READING.

#### Order for Second Reading read.

MR. RAIKES said, there were certain matters in the measure to which he, as Chairman of Ways and Means, felt bound to call attention. The Bill proposed certain improvements in the City of Edinburgh—and so far he had nothing to say to it; but Clause 10 proposed that after certain lands had been acquired by the Corporation they should be made over to Her Majesty's Commissioners of Public Works for the purpose of being utilized for scientific instruction to the students of the Medical University and others. That was obviously a very excellent object, and one which he would be very sorry in any way to impede; but inasmuch as an arrangement was contemplated which would require some outlay of public money by the Commissioners of Works, the Bill seemed to come within the purview of Standing Order No. 90, which required that in regard to any Bill involving a contract between the Government and some other body, the Chairman of Ways and Means should, three days before the second reading, make a Report of the said contract to the House. He would have been glad to comply with that Standing Order, and to lay the contract on the Table of the House; but, as a matter of fact, that would be a physical impossibility, inasmuch as the contract in question did not yet exist. Had the first part of the Standing Order stood alone it would have been incumbent on him to call for the production of the contract; but it was clear from the second section of the Order that it only referred to contracts already concluded, or at all events contracts *in esse*, or which it was proposed to conclude immediately. As the Bill referred only to hypothetical

contracts to be made at some future time, it might be considered as not coming within the Standing Order; but he had thought it his duty to call attention to it, lest the door should be opened to a general disregard of the Rules. Having cleared his conscience, and it being impossible for him to make any report on the contract, he had nothing further to say. He did not wish it to be supposed that he was opposing a Bill which was, undoubtedly, calculated to confer great benefits on the City of Edinburgh.

MR. M'LAREN said, the House was much indebted to the hon. Chairman of Ways and Means for bringing the subject forward. It appeared that there were large botanical gardens in connection with the Medical School at Edinburgh, and as there were now in the market 30 or 40 acres of land adjoining, this Bill proposed to purchase that land by means of a local rate. The expenditure would probably be £20,000. The Corporation having purchased the land, it was to be handed over to the Board of Works and the Treasury. There had been many pleasant conversations between the Government representatives and the Corporation, and the latter had been persuaded that if the City of Edinburgh would impose the rate and purchase the land, the Government would maintain it in all time to come as part of the existing Botanical Gardens. There were many of the inhabitants of Edinburgh, however, who did not like that kind of mere conversational agreement between the local authorities and the representatives of the Government, and they wished the Standing Order to which the hon. Gentleman had referred had been complied with. If the Government meant to keep up these grounds for the benefit of the inhabitants, it should either be clearly set forth in a Schedule to the Bill what they really did intend, or else some Treasury Minute or a Board of Works contract should be produced on the subject. He appealed to the noble Lord the First Commissioner of Works to inform the House definitely as to the terms of the contract into which the Government proposed to enter with the local authorities. At all events, he trusted the inhabitants of Edinburgh would not lay out a single shilling on the purchase of the land until they had a distinct understanding as to the conditions under which it would be taken over by the Government.

LORD HENRY LENNOX said, that the Chairman of Ways and Means had been more than justified in making the remarks with which he had opened the discussion. There was, however, no contract yet existing such as was contemplated by Standing Order No. 90, between the City of Edinburgh and the Office of Works. What was proposed was this—that if the Corporation agreed to acquire by a rate certain property on the outskirts of Edinburgh, the Government would then enter into communication with the City of Edinburgh with a view to throwing the land in question into the Botanical Gardens, and keeping it up at the public expense. As there was no contract to lay before the House now, the House might rest perfectly satisfied that it would not hereafter be done without its sanction. If the agreement he had referred to should be made—as he hoped it would be—it would be necessary to confirm it by a Vote of the Whole House. There would then be an ample opportunity for discussion, and the hon. Member for Edinburgh and others would be able to state their views. The hon. Member had challenged him to say what the rules and regulations were which the Office of Works intended to lay down; but it would be premature to make any statement of the kind as to property which had not yet been handed over to the Board. He repeated that before this property could be utilized for Botanical Gardens, a Vote of the House would be taken.

Bill read a second time, and *committed*.

#### MERCANTILE MARINE—THE “STRATHMORE.”—QUESTION.

ADMIRAL EGERTON asked the President of the Board of Trade, Whether his attention has been called to the Report of inquiry into the circumstances attending the loss of the “Strathmore;” and, whether, with regard to the seventh paragraph of that Report, it is intended to take any official or public notice of the conduct of Mr. D. L. Gifford, master of the American whaler “Young Phoenix,” who is said to have sacrificed his voyage in order to assist the survivors from the wreck?

SIR CHARLES ADDERLEY: The case of the *Strathmore* has been fully

considered, and the Board of Trade have decided to present Captain Gifford with a piece of plate of the value of £21. There was little or no risk, and it is not a case for a medal. The sacrifice of the voyage falls on the owner, unless satisfied by the underwriter. The Board of Trade are endeavouring to ascertain if any compensation should be made.

#### NAVY—NAVY MEAT.—QUESTION.

MR. PLIMSOLL asked the First Lord of the Admiralty, Whether, with reference to the written statement, dated the 2nd day of February 1876, signed Robert Hall, from the Admiralty, Sessional Paper, No. 117, 1876, p. 182, to the effect that “it seems almost unnecessary to remark that no meat is ever sold which is not perfectly fit for food,” he would explain to the House why the loss of public money is incurred which is involved in selling large quantities of meat at prices ranging from 18s. to 30s. per tierce, and even lower sometimes, such meat having cost the country from £7 to £7 10s. and £8 per tierce; and, whether he is willing to give the House an assurance that no more meat shall be so sold whilst fit for food for the Navy, and, when it is no longer “perfectly fit for food,” that it shall be destroyed, seeing that its sale has caused disease in the Mercantile Marine?

MR. HUNT, in reply, said, the statement to which the hon. Member referred was not so precise in its terms as it should have been. It should have been—“that no meat was sold for human food which was not perfectly fit for human food.” Meat unfit for human food was occasionally sold to soap boilers and fat boilers for their business. The only assurance he could give was that meat unfit for human food should be declared to be so at the time of sale, and that a record should be kept of the names of the purchasers.

#### MERCHANT SHIPPING ACTS—THE “SKERRYVORE.”—QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, Whether his attention has been called to the case of the “Skerryvore,” which is stated to have arrived in New York Harbour on the 18th May last in a sinking state with five feet of water in her hold, and found on being docked and examined to have

a large hole bored in her bottom, and to be without any other source of leakage; and, whether he has directed, or is in a position to direct, an investigation into this matter with the view of bringing to justice the perpetrator and instigator of this crime?

**SIR CHARLES ADDERLEY:** The hon. Member for Derby may have seen reported in *The Devonport Independent*, with which he is connected, the proceedings against the master of the *Skerryvore*, on trial, and several times remanded, ever since the 29th of May. The case is delayed for evidence from New York, where the ship lies; but the proceedings have been going on as fast as they can against the master from the earliest moment that they could have been taken.

#### ARMY—RETIRED OFFICERS.

##### QUESTION.

**MR. PRICE** asked the Secretary of State for War, If he can state when the Report of the Royal Commission on Promotion and Retirement in the Army will be laid upon the Table; and, whether he has any objection to consider the expediency of extending to Officers of the regular service the privilege which has been already accorded to Officers of the Militia and Volunteers of retaining their rank and wearing their uniform on retirement after a certain length of service?

**MR. GATHORNE HARDY:** I am sorry that I cannot give any information as to the date when the Report of the Commission on Promotion and Retirement will be laid on the Table. The privileges of retaining rank and wearing uniform on retirement after a certain length of service which are enjoyed by retired officers of the Militia and Volunteers were granted probably to render those services more popular. I have no objection to consider the expediency of the extension of these privileges to officers below the rank of field officers of the Regular Army, and, I believe the question will be brought to my notice by His Royal Highness the Field-Marshal Commanding-in-Chief.

#### POST OFFICE—LETTER-CARRIERS' UNIFORM.—QUESTION.

**MR. EARP** asked the Postmaster General, If Town Letter Carriers are

supplied with new clothing every eight months, consisting of coat, over-cloak, trowsers, and cap; if Rural Post Messengers are supplied only with hat and coat every twelve months; and, whether he will make such additions to the latter supply as will place both branches of the service on the same footing?

**LORD JOHN MANNERS,** in reply, said, he had no information that would lead him to believe that the clothing supplied to rural letter-carriers as compared with urban letter-carriers was insufficient. It would lead to a great expenditure, which he was not prepared to incur, to put the rural letter-carriers on precisely the same footing as the urban.

#### EDUCATION DEPARTMENT—KEYNSHAM BRITISH SCHOOL.—QUESTION.

**MR. MUNDELLA** asked the Vice President of the Council, If he is able to inform the House as to the legality of the proceedings of the Education Department in refusing a grant to the British School at Keynsham; if he is aware that since the re-opening of this school the names of 110 children have been inserted on the register, of whom 80 had not previously attended the parish school; if his attention has been directed to the fact of the announcement by the vicar that the children of parents attending the British School would be deprived of the benefits of the Parish Clothing Club; and, what precedents there are (if any) for the refusal of a grant to an efficient Elementary School in a district where there is no School Board?

**VISCOUNT SANDON:** As far as I can ascertain, this is the first instance of a request to the Education Department for an annual grant to a new school in a locality where, in obedience to orders from the Department, the necessary additional accommodation has been supplied by existing public elementary schools. This is, therefore, the first case in which a decision has had to be come to on the subject, though in the analogous cases of localities where there are school boards, we have refused annual grants to Church of England and other schools where, owing to the locality having supplied the additional accommodation which the Department demanded, such new schools were unne-

cessary. I informed the hon. Gentleman last week, in answer to his Question, that we were advised that we had power to refuse a grant in this case; but that, as he raised a doubt about it, I should be most happy to refer it to the Law Officers of the Crown, and would inform him of the result of that reference. I shall, of course, inform him as soon as I receive the opinion of the Law Officers. Until I have that opinion, I must beg leave to decline to enter further into the question of the legality of the proceedings of the Department.

#### ARMY—THE RESERVE FORCES—YEOMANRY TRUMPETERS AND BANDS.

##### QUESTION.

VISCOUNT GALWAY asked the Secretary of State for War, Whether he will not re-consider the question of granting allowances to Yeomanry trumpeters; whether it is intended that the cost of such an important part of a Yeomanry Regiment as the Band is to be thrown entirely upon the officers, without any assistance as formerly from the Contingent Allowance; and from what funds or by whom the expenses of Serjeants ordered by Government to the School at Aldershot are to be paid?

MR. GATHORNE HARDY: Paragraph 2, Clause 28, of the Auxiliary and Reserve Force Circular, 1876, sanctions the issue of 3s a-day during permanent duty for one qualified Yeoman to act as trumpeter. The question whether an additional number of such trumpeters should be allowed is now under consideration, but I can give no pledge as to the ultimate decision. It is not intended to allow any charge against the Contingent Fund for band expenses. This rule is in accordance with the practice adhered to by the War Office in reference to bands for the other branches of the Auxiliary Forces. The serjeants of Yeomanry sent to the Aldershot School are treated in every respect like other non-commissioned officers detailed for such service—that is, they receive travelling expenses, quarters, and rations at contract prices. Routes are in all cases issued for them, and vouchers can be obtained for expenses if applied for by the officer commanding.

#### IRELAND—THE THURLES CORONER-SHIP.—QUESTION.

THE O'DONOGHUE asked the Chief Secretary for Ireland, What steps are

*Viscount Sandon*

being taken to appoint a Coroner for the Thurles district of Tipperary; if nearly two years have not elapsed since the death of the late Coroner; and, if further delay in the appointment of a Coroner is likely, he will state the reasons to the House?

SIR MICHAEL HICKS-BEACH: In answer to the Question of the hon. Member, I have to state that on the 6th of September, 1874, the Lords Commissioners of the Great Seal received a certificate, signed by two magistrates, of the death of the coroner. On the 11th of September, 1874, the Lords Commissioners signed the usual warrant for the issue of a writ for the election of a coroner, and notified to the Clerk of the Peace of the County of Tipperary that the writ would issue on the usual fees being paid. No notice has since been taken of the notification to the Clerk of the Peace, and the warrant remains in the Lord Chancellor's office.

#### CRIMINAL LAW—THE TICHBORNE CASE—ARTHUR ORTON.—QUESTION.

MAJOR O'GORMAN asked the Secretary of State for the Home Department, Whether, in the event of any person excepting the Claimant to the Tichborne Title and Estates coming forward and proving himself to the satisfaction of Her Majesty's Government to be Arthur Orton, protection will be given to the said Arthur Orton, after such proof, to enable him to leave the United Kingdom without molestation?

MR. ASSHETON CROSS: Mr. Speaker, in answer to the Question of the hon. and gallant Gentleman, I have to state that if any person claiming to be Arthur Orton makes his appearance in this country, he will, like anybody else, be under the protection of the law, and free to come and go without molestation, unless accused of some crime.

#### PARLIAMENT—PUBLIC PETITIONS—GRANTS OF MONEY.—QUESTION.

LORD ROBERT MONTAGU asked the Chairman of the Committee on Public Petitions, Whether his attention has been drawn to the Petition from Ropley (App. 535, page 217), and to other Petitions in similar terms, which pray for an increase in the annual Parliamentary grants for inspection in religious instruction (for which no grants are now

given nor proposed to be given); and, whether those Petitions are in accordance with the Standing Orders of the House?

SIR CHARLES FORSTER, in reply, said, the Committee on Public Petitions had great difficulty in reference to this question, and he, as Chairman of it, advised them to take an enlarged view of the matter. Still, every case should stand upon its own merits; and while the Committee were prepared to take a liberal view of it, they came to the conclusion that the Petitioners should not ask for public money.

#### ARMY—WINCHESTER BARRACKS. QUESTION.

MR. SIMONDS asked the Secretary of State for War, Whether it is intended to make additional accommodation in the Winchester barracks to provide for the dépôts of the Hampshire Regiments, the 37th and 67th, still in Fort Elson?

MR. GATHORNE HARDY: Some of the accommodation for this purpose has already been provided, but in order that an entire battalion may remain at Winchester, in addition to providing for the dépôts of both the Rifle and county regiments, it is necessary to add some married quarters, as well as to make other additions and alterations, for which plans have been prepared; but some time will be required for the completion of the whole. When the additional accommodation is provided, the dépôts mentioned will be moved to Winchester.

#### THE SLAVE TRADE—THE SULTAN OF ZANZIBAR.—QUESTION.

SIR JOHN KENNAWAY asked the Under Secretary of State for Foreign Affairs, If he can give the House any information as to the Proclamation for the Suppression of the Slave Trade lately made by the Sultan of Zanzibar, and as to the steps proposed to be taken by Her Majesty's Government, to support and assist the Sultan in carrying out the same?

MR. BOURKE: The Proclamations alluded to are in these words—

“Proclamation.

“In the name of God, the Merciful, the Com-  
passionate.

“(Seal of His Royal Highness Seyed Barghash.)  
“From Barghash bin Saeed bin Sultan.

“To all whom it may concern of our friends on the mainland of Africa, the Island of Pemba, and elsewhere.

“Whereas, in disobedience of our orders and in violation of the terms of our Treaties with Great Britain, slaves are being constantly conveyed by land from Kilwa for the purpose of being taken to the Island of Pemba. Be it known that we have determined to stop, and by this order do prohibit all conveyance of slaves by land under any conditions; and we have instructed our Governors on the coast to seize and imprison those found disobeying this order, and to confiscate their slaves.

“Published the 22nd of Rabea el Awal, 1293 (being equivalent to 18th April, 1876.)

“True translation.

“JOHN KIRK,  
“Her Majesty's Agent and  
Consul General.”

(Enclosure 4 in No. 04.)

“Proclamation.

“In the name of God, the Merciful, the Com-  
passionate.

“(Seal of His Highness Seyed Barghash.)

“From Barghash bin Saeed bin Sultan.

“To all whom it may concern of our friends on the mainland of Africa and elsewhere.

“Whereas slaves are being brought down from the lands of Nyassa, of the Yao, and other parts, to the coast, and there sold to dealers who take them to Pemba against our orders and the terms of the Treaties with Great Britain. Be it known that we forbid the arrival of slave caravans from the interior, and the fitting out of slave caravans by our subjects, and have given our orders to our Governors accordingly, and all slaves arriving at the coast will be confiscated.

“Published the 22nd of Rabea el Awal, 1293 (being equivalent to 18th of April, 1876).

“True translation.

“JOHN KIRK,  
“Her Majesty's Agent and  
Consul General.”

The Slave Trade Papers are printed annually; therefore, in the usual course, these particular Papers would not be laid before the House before next Session; but as considerable interest is felt upon the subject, I will lay Dr. Kirk's despatch and the Proclamations on the Table this evening. Suggestions have been made to Her Majesty's Government as to certain steps which may be taken with the view of dealing more effectually with the land traffic; and those suggestions have been sent to Dr. Kirk to report upon. It will be necessary to wait for his answer before any decision can be come to. Meantime, when we heard of the issue of the Proclamations,



my noble Friend the Secretary of State for Foreign Affairs sent the following telegram to Dr. Kirk, which expresses the instructions of Her Majesty's Government upon the important step which has been taken :—

"Express to Sultan the gratification of Her Majesty's Government at the measures adopted by His Highness for suppressing slave traffic in his dominions. You will receive further instructions by post when we receive reply to my despatch of April 20, 1876."

#### CRIMINAL LAW—THE ESCAPED FENIAN PRISONERS.—QUESTION.

MR. O'CONNOR POWER: Sir, as you have pointed out to me within the last few minutes that the terms of my Question are irregular, because they contain an insinuation of want of candour against the First Lord of the Treasury, I shall put it in the following form :—Whether the Governor of Western Australia availed himself of the first opportunity of informing Her Majesty's Government of the escape of the six Fenian prisoners, and at what date did the Government first receive intelligence of the escape?

MR. DISRAELI: The occasion on which I spoke of those prisoners in Western Australia was on the 22nd of May. The first intimation that Her Majesty's Government received of the escape of those prisoners from Western Australia was on the 5th of June.

#### CUSTOMS—MEMORIAL OF OFFICERS. QUESTION.

MR. M'CARTHY DOWNING asked the Secretary to the Treasury, Whether any reply has yet been vouchsafed to the Memorial signed by 923 clerks and officers of Customs, praying for an immediate amelioration of their condition, which Memorial was forwarded to the Treasury by the Commissioners of Customs early in last April; and, if not, when it may be?

MR. W. H. SMITH: In reply to the Question of the hon. Member, I beg to state that a Memorial signed by 923 clerks and officers was received, but it was direct from them. It has been referred to the Board of Customs, but no Report has been received. The following letter has been placed in my

hands, and I understand it has been widely circulated. It is dated from the Accountant and Controller General's Office, Her Majesty's Customs, London, E.C., 20th June, 1876 :—

"Dear Sir,—The present Session is rapidly drawing to a close, and our claims for increased pay have not yet been properly met by Her Majesty's Government."

MR. M'CARTHY DOWNING: I rise to Order. Is the hon. Gentleman justified in reading a letter in answering a Question?

MR. SPEAKER: The hon. Member can do so in the exercise of his discretion if he so desires.

MR. W. H. SMITH: The letter is as follows :—

"Accountant and Controller General's Office,  
H.M.'s Customs, London, E.C.  
20th June, 1876.

"Dear Sir,—The present Session is rapidly drawing to a close, and our claims for increased pay have not yet been properly met by Her Majesty's Government. It behoves us either to put on a "spurt" at this juncture or to suffer with what patience we can another year's delay. The general opinion here is that a combined and well-directed attempt should at once be made to obtain for our memorial (which was forwarded to the Lords of the Treasury on the 5th of April last) an early and favourable consideration. This end cannot be better attained than by everyone in the Customs Service at once asking his representatives in Parliament, as well as any other Members to whom he can obtain access, to bring the matter without delay individually, collectively, by question, by deputation, or in any manner which may be deemed most effective, under the notice of the Chancellor of the Exchequer, or of the Financial Secretary to the Treasury. I, therefore, earnestly request that you will, without delay, write to your representatives in Parliament, asking them to use their influence in the direction above indicated. There is every reason to believe that a strong and united effort of the whole service, even at this eleventh hour, would ensure our complete success. Trusting to hear from you very soon, I have the honour to remain, dear Sir, your obedient servant,

"JOHN M. BAMFORD."

I need not say that a letter of this description circulated among officers of the Customs must place great difficulty in the way of the Treasury in dealing with a respectful Memorial presented to the Treasury. I trust the House will consider it was an unfortunate attempt on the part of an officer of Customs to obtain consideration for the Memorial.

*Mr. Bourke*

**FISHERIES (IRELAND)—CAPE CLEAR ISLAND.—QUESTION.**

**MR. M'CARTHY DOWNING** asked the Chief Secretary for Ireland, Why the fishery harbour at Cape Clear Island, recommended by the Inspectors of Irish Fisheries, and approved of by the Board of Works, and for which the local contributions required by the Board have been raised, has not been proceeded with; and to know when the works may be commenced?

**SIR MICHAEL HICKS-BEACH:** I am informed by the Board of Works that it is due to delays on the part of those locally interested in this work that it has not been proceeded with. The applicants for the grant were informed by the Board on the 22nd of January, 1875, that if one-fourth (£875) of the estimated cost of the work (£3,500) was locally subscribed, the Board would recommend the Treasury to sanction a grant of the remainder. The Board heard nothing further for more than a year, and concluded that the Memorialists were unable to collect the necessary amount. Since that date the Board have been informed, in March last, that the required amount would be forthcoming in the locality; but in the meantime the Treasury have agreed to undertake certain other important harbour works connected with the Irish fisheries, which must therefore take precedence of the harbour at Cape Clear.

**FISHERIES (ENGLAND)—RYE BAY. QUESTION.**

**MR. STEWART HARDY** asked the First Lord of the Admiralty, Whether he will send a cruiser to Rye Bay to protect the English fishermen from the annoyance of the French fishing boats?

**MR. HUNT:** Orders have already been given that a cruiser shall proceed to that part of the coast.

**CATTLE DISEASE (IRELAND)—PLEURO-PNEUMONIA — COMPULSORY SLAUGHTER.—QUESTION.**

**CAPTAIN MOORE** asked the Chief Secretary for Ireland, If he has received any report of the death of cattle from lung-disease in Ireland since the 1st of January last; and, if so, whether he

will introduce a Clause in the Cattle Disease (Ireland) Bill, allowing retrospective compensation to that date in cases where cattle having that disease died or were slaughtered, and reliable proof thereof can be given?

**SIR MICHAEL HICKS-BEACH:** There have been some reports of deaths among cattle in Ireland from disease since the 1st of January last, but I am happy to say they are not very numerous. I can see no reason why compensation should be granted to the owners of cattle which have died of this disease, nor to owners who have voluntarily slaughtered their cattle affected with it, not being compelled to do so by the provisions of any Order in Council. My hon. Friend is aware that no order has, as yet, been made for the compulsory slaughter in Ireland of animals affected with pleuro-pneumonia; and therefore any such retrospective compensation as his Question suggests could not, I think, be properly granted, to say nothing of the great practical difficulties which would attend any attempt to assess it.

**EXHIBITION COMMISSIONERS OF 1851.—THE FINANCIAL POSITION. QUESTION.**

**MR. J. R. YORKE** asked the Secretary of State for the Home Department, Whether he can inform the House of the financial position of the Commissioners for the Great Exhibition of 1851, or of the prospect of making the large funds in their hands available for the promotion of science and art; and, whether the Commissioners have made any Report to Her Majesty since that of the 15th of August 1867; and, if so, whether he has any objection to lay it upon the Table of the House?

**MR. ASSHETON CROSS:** As the subject is one which naturally excites some interest, perhaps the House will allow me to read a short statement which I have received from the Commissioners with respect to it. They say—

“The property of the Commissioners for the Exhibition of 1851 consists of land returning no income, of exhibition galleries leased or lent to the Government, of land let on building leases, and of house property. Their available income at the present time is about £2,000 per annum. Their financial position will depend upon the mode in which the land now returning no income is dealt with, that is to say, whether let on building leases or reserved for public purposes.

The Commissioners have lately determined to sell on building leases some of the outlying portions of the estate, and to employ £100,000 of the money thus obtained in erecting on their estate a building for a museum of scientific instruments, for a library of works on science for the use of the students at South Kensington, and for public examination rooms, which are much needed. The building would also be available for other objects of scientific education. An offer to this effect has been recently made to Her Majesty's Government, and the matter is now under consideration. The Commissioners propose to expend a further sum in establishing scholarships to give the more promising students of provincial institutions and colleges of science and art the benefit of study in the science and art classes at South Kensington. The Commissioners made a Report of the annual International Exhibitions from the 1st of May, 1871, to the 31st of October, 1874, which has been laid before Her Majesty."

I have no objection to lay that Report upon the Table of the House.

#### TURKEY—THE EASTERN QUESTION. QUESTION.

MR. CHAPLIN asked the honourable Member for Portsmouth, If he intends to proceed with the Motion on Friday which stands first in his name on that day?

MR. T. C. BRUCE: I am very anxious to proceed with that Motion if it can be done without inconvenience to the negotiations at present going on. I am informed that certain Papers material to the questions involved in my Motion have not yet been laid before the House, and in that case it might be inopportune for me to proceed. I therefore beg to ask the First Lord of the Treasury whether he considers that a discussion should take place in the present state of the negotiations, and whether it would or would not be inconvenient to the public service? I also wish to ask whether the Government are prepared, at this particular period, to give those explanations without which such a discussion would lose a great deal of its value. If the discussion would be inconvenient, I shall have no alternative but to withdraw my Motion. But I trust the right hon. Gentleman will give me an assurance that he will give me the earliest opportunity which the negotiations will allow to bring forward my Motion, and will place me in the same fortunate position in which I now stand upon the Paper. The question is one of the greatest importance, and ought to

be debated as soon as possible before the end of the Session.

MR. DISRAELI: If the House will allow me, I will postpone my answer to the Question of my hon. Friend until we come to the Orders of the Day. It would be somewhat inconvenient to reply to it now.

#### ARMY—KING GEORGE OF HANOVER QUESTION.

MR. BIGGAR asked the First Lord of the Treasury, If it is true, as stated in the papers, that recently the Ex-King of Hanover was gazetted a General in the British Army and his son a Colonel in the British Army?

MR. DISRAELI: Mr. Speaker, it is quite true that Her Majesty, in the exercise of her undoubted and gracious prerogative, has conferred upon her Royal relative the Duke of Cumberland, a Peer of this realm, and upon his eldest son, the right of wearing the British uniform by conferring upon him the commission of General and upon his son that of Colonel in our Army. I need not add, unless it be for the information of the hon. Gentleman, that these appointments are purely honorary.

#### ARMY—THE PENSION WARRANT. QUESTION.

MR. PATESHALL asked the Secretary of State for War, If it is intended to increase the pensions of soldiers?

MR. GATHORNE HARDY: A Committee that recently sat at the War Office on this subject proposed various alterations in the existing Pension Warrant, and these proposals have been for some time under the consideration of the Treasury, and until their decision is arrived at I am unable to state what, if any, alterations will be made.

#### INDIAN AND COLONIAL MUSEUM. QUESTION.

MR. FAWCETT asked Mr. Chancellor of the Exchequer, Whether it is intended to build an Indian and Colonial Museum on the Victoria Embankment; if so, whether he can state the probable cost of erecting and maintaining such museums, and also from what sources the necessary expenditure would be defrayed?

**THE CHANCELLOR OF THE EXCHEQUER**, in reply, said, he had heard from time to time suggestions for the erection of an Indian and Colonial Museum, and, among other plans, of one to erect a building for the purpose on the Thames Embankment. No definite proposal had, however, been submitted to the Government on the subject, nor was there one at present under their consideration. He could, therefore, give the hon. Gentleman no information as to the probable cost of erecting and maintaining such museums, or as to the sources from which the necessary expenditure would be defrayed.

#### NAVY—H.M.S. "RALEIGH"—QUESTION.

**MR. ANDERSON** asked the First Lord of the Admiralty, If he has any information as to a Court Martial stated (in the "Daily News" of the 19th and other papers) to have been held at Lisbon, to inquire into the collision between H.M.S. "Raleigh" and a Portuguese ship of war, and resulting in blame being attributed to the British ship, with a probable claim on this Country for damages; if it be true, as reported, that Captain Tryon of the "Raleigh," soon after the collision, asked for a Court Martial and was refused; and, if the Admiralty proposes to deal with the matter by a secret inquiry, or how?

**MR. HUNT:** A Court of Inquiry—not a court martial, as stated in the newspapers—was held at Lisbon to inquire into the circumstances of the collision between Her Majesty's ship *Raleigh* and a Portuguese corvette, and the Court exonerated the captain of the latter, but I have heard nothing of any claim for damages. Captain Tyron, of the *Raleigh*, did not ask for a court martial. A Court of Inquiry was ordered by the Admiralty, which was held in the usual manner; and the Admiralty, after perusing the Report of the Court, was satisfied with the account given by Captain Tyron and his officers of their conduct in the matter.

#### TREATY OF WASHINGTON—CANADIAN FISHERY COMMISSION.—QUESTION.

**MR. E. JENKINS** asked the Under Secretary of State for Foreign Affairs, Whether the United States Government has now taken the necessary steps to complete the organization of a Fishery

Commission under the Washington Treaty, and when the Commission is expected to meet; and, whether there is any prospect of a satisfactory settlement of the questions raised between Canada and the United States in relation to the use of the American canals, and the imposition of duty on packages containing fish imported into the United States?

**MR. BOURKE:** Communications are going on with the United States Government as to the appointment of a third Commissioner, and it is hoped that they will shortly agree to take the necessary steps for the completion of the Commission. Mr. Ford, the British agent to the Commission, who visited Canada last autumn, has recently gone to Newfoundland to assist the Newfoundland Government in preparing their portion of the case to be submitted to the Commission. As to the second Question, I can only say it would be impossible within the limits of an Answer to a Question to state exactly the way in which the case at present stands, involving, as it does, many complicated questions of detail between the two Governments. Papers will shortly be laid on the Table upon the subject. In the meanwhile, I think I may say that the questions are in a fair way for a satisfactory settlement.

#### EXPLOSIVE SUBSTANCES ACT, 1875— EXPLOSION AT HAMILTON.

##### QUESTION.

**MR. RAMSAY** asked the Secretary of State for the Home Department, Whether he has received information of the occurrence of an explosion of dynamite at a place within one quarter of a mile of the barracks near the town of Hamilton, and within a few hundred yards of the railway station at the same town, whereby a number of persons have been killed; and, if he would state whether the dynamite was stored at the place where the accident occurred by authority of the Home Office; and, if so, whether he would state the precautions which were enjoined to secure the life and property of the inhabitants of Hamilton in the event of such an explosion at a place so near the town?

**MR. ASSHETON CROSS**, in reply, said, that information was duly sent to the Home Office of the explosion referred to by the hon. Member. He

ordered an Inspector appointed under the Act to make inquiry into the circumstances, and it was found that the dynamite which exploded was stored illegally, and not in any place authorized by the Act. His conclusion on a *prima facie* view of the case would be that the person in charge of the dynamite had committed an offence, not only under the new Act, but under the old one. The matter was in the hands of the authorities.

PARLIAMENT—ORDER—PRIORITY FOR MOTIONS.—QUESTION.

MR. RITCHIE asked the honourable Member for West Cumberland, Whether, seeing it has been stated from the Chair, that according to the Rules of the House a Member could give Notice of only one Motion with a view of obtaining under the ballot priority for such Motion, and that if several Members combined to enter their names on the Notice Paper with the view of giving Notice of one and the same Motion the rule of the House was thereby practically evaded, he intends to proceed with the Motion which stands in his name for Friday 14th July?

MR. PERCY WYNDHAM: Sir, I think the hon. Member for the Tower Hamlets will see, upon consideration of the whole of this case, that in asking me this Question it is practically whether I consider there has been such a breach of the Rules of this House as should induce me to withdraw my Motion from the Order Book. He is asking me to decide a point which it is not for me to decide, and putting upon my shoulders a responsibility which rests upon the shoulders of the House. This is a question of very great interest to private Members, and the object of the Motion is of very great interest to people in this House and out-of-doors. Had the question been decided on Monday there might have been a possibility of bringing the matter forward this Session. We have just heard on high authority that we are very near the close of the Session. The Motion of the hon. Member for Canterbury (Mr. Butler-Johnstone) was withdrawn on the very day when I gave Notice of my Motion, and therefore practically to erase this Motion from the Order Book would prevent its coming on again this year. I have always understood that the universal practice

amongst Members of this House not to take up any question or Bill which was in the hands of another Member was a matter purely of courtesy and good feeling between Members, and had nothing whatever to do with the Rules of the House. If there is a question of sufficient interest to engage the attention of many Members instead of one, I do not see why on that account it should be deprived of the greater chance of gaining the attention of the House which it would otherwise possess. There are two ways of getting rid of a Motion—one by the action of the Member himself, and the other by the action of the House after debate, and sometimes on division. I do not intend to put the House to that trouble; but I understand, Sir, that the Question of the hon. Member is exactly the same as that twice put to you by the hon. Member for Glasgow (Mr. Anderson), and which you refused to answer. I therefore cannot, on the suggestion or hint of any one, withdraw this Motion. If you, Sir, from the Chair, say you think there has been an evasion of the Rules, or of the spirit of the Rules, of the House, which should necessitate my withdrawing this Motion, I shall not hesitate to give Notice of its withdrawal.

MR. SPEAKER: The hon. Member has imposed on me rather a serious responsibility. He says if I am prepared to state that, in my judgment, such an evasion of the Rules of the House has taken place as to justify the striking out of his Motion from the Paper, he will abide by my decision. Now, if the hon. Member was acting in combination with other Members to get undue priority for his Motion under the Ballot, I do think that such an evasion has taken place of the Rules of the House as would involve the striking out of the Motion from the Paper on the day on which it was put down. But I must leave it to the hon. Member himself to determine whether he has been acting in good faith to the House, or whether he has been acting in combination with other Members to obtain undue priority for his Motion.

ARMY—MOBILIZATION OF THE FORCES.—QUESTION.

MR. J. HOLMES asked the Secretary of State for War, When the Government propose to submit to the consideration of the House the scheme, together with

an estimate of the cost, for the Mobilization of the Forces, which has appeared in the Army List since December last; and, whether, seeing that a Bill has been passed by the House of Commons for calling out two of the eight Army Corps composing such scheme for Autumn Manœuvres, Her Majesty's Government will name an early day for the discussion of the scheme?

**MR. GATHORNE HARDY**, in reply, said, with reference to the first part of the Question, that he had no intention to bring the subject before the House further than had been done on the Estimates. As sufficient provision had been made, he did not intend to submit any additional Estimates to the House. He might remark that the House had not sanctioned the calling out of the Army Corps, but had merely sanctioned the use of certain land for the purpose of mobilization. There was on the Paper a Notice relating to mobilization generally, and he had no intention to interfere with it.

#### LOANS (IRELAND).—QUESTION.

**MR. DODSON** asked the Secretary to the Treasury, Whether it is his intention to introduce a Bill this Session on the subject of the outstanding balances in respect of loans of public money for various purposes in Ireland?

**MR. W. H. SMITH**: In reply to the hon. Member's Question, I have to state that there is an intention to introduce a Bill on the subject his Question refers to in the course of the present Session.

#### PARLIAMENT—LEITRIM COUNTY ELECTION.—QUESTION.

**MR. GATHORNE HARDY**: I trust the House will allow me to allude to a Question put on Wednesday by the hon. and gallant Member for Galway (Captain Nolan) during my absence on that day. It was a Question serious in itself, and the course which the hon. and gallant Member took on Wednesday, as far as I can understand his remarks—for I did not hear them, and only became acquainted with them in the way Members are obliged to do when not present—seemed to have implied either that the Military authorities or the Government had taken such part with the view of hindering the gentleman alluded to

from standing for the representation of an Irish county now vacant. In the Question which the hon. and gallant Member put upon the Paper on Wednesday—which I did not see till that morning, for I left London very early on Wednesday morning, on official business, as the hon. and gallant Member knew I was about to do—he asked the Secretary of State for War—

"If any Officer stationed at Newbridge has been refused, verbally or in writing, leave to contest an Irish constituency; and was this refusal on account of his politics."

The charge is a very grave one, whether it be addressed to the Government or to the Military authorities. I will therefore tell the House what happened exactly with respect to myself. On Monday evening the hon. and gallant Member asked me whether I had heard anything about this gentleman having been refused leave of absence, and I said that I had not. I was waiting for the Education debate to come on, and could not leave the House to inquire at the Office; but I immediately wrote to my Secretary, requesting him to make inquiries. On going down to the Office on the following morning, I found that nothing was known on the subject, and I ordered that a telegram should be sent to Ireland at head quarters. We got no answer for some time because nothing was known of the matter in Ireland. A telegram was sent to the Curragh, and inquiries were made at Newbridge. Nothing was known at the Curragh on the subject until the 20th. Therefore, yesterday, the hon. and gallant Gentleman was informed by my hon. Friend the Financial Secretary that we had no information on the subject at that time; but later in the day he privately sent to the hon. and gallant Gentleman a telegram which we had received, and which did not contain full information. I have now obtained that information, and in order to show the House what little ground there was for the charge which the hon. and gallant Member has insinuated against the Government or the Military authorities, I will, with the permission of the House, read the telegrams which have been received to-day. A telegram was received a little before 2 o'clock. It is from the Deputy Adjutant General in the War Office at Dublin to the Adjutant General at the War Office in London, and is as follows:—

"Full Report called for by telegraph from General Commanding at Curragh on Captain O'Beirne's case was received here by special messenger last night too late for London post, but went by this morning's post, and will reach you to-night. Nothing was known of this case here until your telegram of the 20th was received. The facts are these:—On 16th instant Captain O'Beirne applied to his Commanding Officer for leave, for electioneering purposes, for a period beyond the power of that officer to grant. He offered, however, all he could—48 hours, and referred Captain O'Beirne personally to the General Commanding at the Curragh. Captain O'Beirne, on the 20th, did not see the General. On the 21st Captain O'Beirne applied through his Commanding Officer for leave from the 22nd until the declaration of polling for county Leitrim, which was immediately granted by General Seymour."

Subsequent to that, and in consequence of the Government sending another telegram, they received very shortly before I came down to the House another telegram from the Deputy Adjutant General in Ireland—

"Your telegram just received. A full telegram has been already sent to you this morning. On the 16th instant Captain O'Beirne asked his Commanding Officer for several days' leave for electioneering purposes. Colonel Stewart replied that he had only power to grant two days' leave. Captain O'Beirne said that would do him no good. The Colonel then told him he had permission to go and see the General Commanding at the Curragh. Captain O'Beirne went to the Curragh that evening, but finding the Brigade Office closed he did not go to the General's private residence or take any further steps. General Seymour knew nothing of the matter until a regular application for leave from Captain O'Beirne, which was sent in on the 20th was received on the 21st. It was immediately granted."

Then there is a telegram from General Seymour himself to the Military Secretary here—

"Captain O'Beirne's application for leave was from the 22nd to the 29th instant, or until the declaration of the poll for the county Leitrim, and was at once granted by me. No blame attaches here. He never took the trouble to come to me personally, nor did I hear all this until yesterday. Have never refused leave here."

Therefore, it is clear, that so far as the Military authorities in Ireland are concerned they have not interfered with this gentleman either on military grounds or on the ground of his politics. So far as the Government are concerned I hope I need not say that they have had nothing whatever to say to the question. The subject of leave is a matter of discipline in the Army, and does not come before

the Secretary of War at all; and it was quite obvious to me, when the hon. and gallant Member applied to me on the subject, that my first duty was to ascertain what had occurred in Ireland, and that I had no right to interfere with the discipline of the Army or to take any steps until I knew what had been done. It appears now that Captain O'Beirne was delayed by his own fault, because he had permission to obtain leave earlier if he chose, but did not ask until the 21st, and then immediately received the leave which he applied for.

CAPTAIN NOLAN: I trust the House will permit me to offer a few words of explanation. The Secretary of State for War has overwhelmed me with telegrams and Reports, received since I brought this question before the House. What has happened out of the House is this—and it shows the importance of bringing these questions before the House, for although I waited 44 hours after bringing this matter under the notice of the Government, the only information I received was of a meagre and unsatisfactory character. But the moment this question is before the House, I am, as I have said, overwhelmed with Reports and telegrams. Now, Sir, the course I pursued has been stated to a great extent by the Secretary of State for War. I applied to him at 4 o'clock on Monday, but until Wednesday, at 12 o'clock, I received no information as to what had been done in Ireland; and when I did receive some information then from an official telegram, it was that the officer could only receive leave for seven days, which was quite insufficient to conduct a county election. The Secretary of State has admitted that my Question was down on the Paper on Tuesday, when the right hon. Gentleman was here, and at his request I postponed it. And I postponed my Question in the most formal manner by public Notice in this House. The words I used, following the advice of a Member who sat near me, were—"I will postpone the Question until this evening, or, if more convenient, until to-morrow." So that the right hon. Gentleman had full Notice of it. I certainly knew he was at Shoeburyness, as I publicly stated in the House yesterday. The right hon. Gentleman says this is a military question; but I think it is sufficiently political for any other Mi-

*Mr. Gathorne Hardy*

nister to have given me an answer. The inference the House may draw is, that there has been a great deal of friction between different Departments, as it took 44 hours to obtain a telegram. I cannot say whether it was the fault of the Government, of the General in Ireland, or of the Colonel. Even if I could, I should be sorry to do so. All I can point out is, that there has been a great deal of friction and delay which, so far as it extended to telegraphic messages, seems to have been totally removed as soon as the question became one not of letting an opposition candidate go to the poll, but of vindicating the Ministry. We then had a full Report. As to Captain O'Beirne's applying for leave or not, that is the very question on which I asked for information, which I could not obtain. It is evident, however, from the Secretary for War's statement, that he did make an application; and an officer asking for leave to contest a county, and surrounded by military authorities—let me inform the House from personal experience—is in a very different position from a Member speaking in this House under privileges which have grown up during 400 or 500 years, and which are very necessary for the protection of some individuals.

#### TURKEY—THE EASTERN QUESTION.

##### MINISTERIAL STATEMENT.

**MR. DISRAELI:** I will now, with the permission of the House, answer the Question of my hon. Friend (Mr. Bruce)—whether it will be convenient for the public service that we should enter at once into some discussion on the present state of affairs in Turkey; and, if not, whether I could feel it my duty, when the occasion serves, to facilitate that discussion in this House? Her Majesty's Government appreciate—entirely appreciate—the sage forbearance—I will even say the patriotic reserve—which has been extended to the Government in circumstances of difficulty, and which has induced the House to refrain from discussing affairs the public notice of which we may assume might be inconvenient. I myself trust that this forbearance will not be abused, and I can assure the House that there is no wish on the part of Her Majesty's Government that we should take advantage of it for any other object than that of the public

welfare. The House will perhaps best form an opinion as to the expediency of discussion at present upon the affairs of Turkey if I place before them, as accurately as it is in my power to do, the exact position of affairs. The Great Powers, although they may have differed on other points, have unanimously agreed upon one—namely, that after the events which have happened at Constantinople, and the accession of the new Sultan, it was just and expedient that he should not be unduly pressed, but that he should have sufficient time to survey his position, and to decide what, in the opinion of his Ministers and Counsellors, was the best course by which he might extricate himself from his difficulties and bring about a state of affairs more satisfactory to Europe. With this view the Sultan has published a Proclamation, which grants a general amnesty to all his subjects in Herzegovina and in Bosnia, and at the same time has announced a suspension of hostilities. In what manner this Proclamation has been received by the Insurgents we have no formal evidence, which is the necessary consequence of their having no Provisional Government or recognized head. But so far as we can now form an opinion from what is occurring in those countries, the Proclamation has, at least, elicited some inert sympathy; because we have it in evidence that it has been in the power of the Turkish authorities to revictual the most important stronghold in Herzegovina without any difficulty, though the attempt to do so a few weeks ago caused a severe and sanguinary struggle, and I might say more than one sanguinary struggle. I may also observe that we have reason to believe that communications are at this moment passing between the Government at Constantinople and various bodies of other subjects of the Sultan. What may be the result of these negotiations I do not pretend to give an opinion; but the House can now judge whether they think it expedient that we should enter into a discussion of these important affairs under present circumstances. From its own experience the House is quite conscious that, in debate, a single expression often leads to great misapprehension—that it may foster very unreasonable expectations in some quarters, and may lead to some delusive hopes. I should say my-



have a wider area of qualification coupled with a power of selection.

Question put, "That the word 'five' stand part of the said proposed Amendment."

The Committee divided:—Ayes 195; Noes 105: Majority 90.

SIR MICHAEL HICKS - BEACH then moved to reduce the qualification from £50 to £45 in Class 2.

MR. M'CARTHY DOWNING objected. He said that if the Bill was passed with the qualifications proposed by the Government it would not be in operation long before it would be denounced in that House. The effect of the Bill would be in Kerry, Roscommon, and Sligo to reduce the required number of jurors by 25 per cent. He moved the omission of the word "five."

MR. LAW also supported the reduction of the proposed qualification on similar grounds. The right hon. Baronet, he thought, should make some concession in this case, and name an amount that would insure the attendance of a sufficient number of jurors.

THE O'CONOR DON said, he had understood that the right hon. Baronet would assent to the £40 in the last case. There was still more reason why he should assent in this case.

THE O'DONOGHUE, speaking of the county Kerry, could only say the consequence of adopting the figures proposed by the Government would fail to supply a sufficient number of jurors.

MR. MITCHELL HENRY protested against this franchise of the Irish people being frittered away.

SIR MICHAEL HICKS-BEACH said, that in considering the number of jurors who would be secured by the proposed qualification, it should be remembered that the household qualification would give a large number of additional jurors in towns and villages of an intelligent class.

MR. BIGGAR hoped the hon. Member for Galway would move that the Chairman should report Progress, as he himself would then move that he should leave the Chair.

SIR JOSEPH M'KENNA hoped the hon. Member for Galway would not follow the advice just tendered to him. He thought they might facilitate a satisfactory arrangement if they only had

a little more deliberation. The present qualification was £30, the Bill proposed to make it £45, and he would suggest to the right hon. Baronet (Sir Michael Hicks-Beach) that the Amendment fixing £40 as the qualification was a fair compromise.

Amendment (*Mr. M'Carthy Downing*) agreed to.

SIR MICHAEL HICKS - BEACH intimated that he was prepared to assent to the proposal for £40 in all the classes, and would insert a Proviso for that purpose on the Report.

MR. BRUEN said, he must protest against this arrangement. For the purpose of putting himself in Order he would move that the Chairman be ordered to report Progress. The House had, by a large majority, agreed that £45 should be the qualification for certain parts of Ireland, and it was hardly respectful to the House for the Minister to reverse that decision on a future occasion. This appeared to be the result of certain negotiations which had been carried on by the recognized Leaders of the Party, without any consultation with their Followers. Such tactics were extremely painful to those who sat behind the Ministerial Benches. They all acknowledged Party ties; but when these ties were subjected to such rude wrenches as had just been given, he must offer his expression of sorrow that the proposed change had been brought about in such a manner.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Bruen.*)

MR. LAW said, it was a simple question of arithmetic as to what the qualification should be, so as insure a sufficient number of jurors. It had been suggested that £40 should be accepted as the amount requisite in Class I. On that they went to a division, and no doubt there was a majority in favour of £45; but on the next proposal no division was taken, and he must say it seemed to him that the right hon. Baronet had acted with perfect fairness and propriety in accepting the proposal to make the qualification £40 throughout.

MR. W. JOHNSTON said, he had heard with regret the remarks of the

*Mr. Bruen*

hon. Member for Carlow (Mr. Bruen). He entirely agreed with the reduction to £40. At any rate, it showed a reasonable desire to meet the wishes of hon. Gentlemen opposite.

SIR MICHAEL HICKS-BEACH said, he, too, regretted the feeling which had been expressed by his hon. Friend, and should regret it still more if he thought he had deserved it. The Government were dealing with a matter of considerable difficulty, upon statistics which were the best they could obtain at the time, though they were not so full or so satisfactory as they could wish. He had had some consultation with his hon. Friends behind him on the subject, but he did not understand from them that they thought there were insuperable objections to the figure which had now been agreed to. As it was, he thought the question had been settled upon a fair basis, after due notice to all concerned; and he believed that the Bill in its present shape would add greatly to the efficiency of the Irish jurors, because it would to a large extent raise the qualifications.

THE O'DONOGHUE said, the hon. Member for Carlow had failed in an attempt to exclude the majority of the Irish people from the jury-box.

MR. VERNER concurred with the opinion expressed by the hon. Member for Carlow. Having taken part in the vote he came into the House a few minutes afterwards, and was surprised to find that the Government had given way. He thought they were in the habit of giving up far too many things.

MR. BIGGAR said, he had often had occasion to blame the Chief Secretary, but now thought that many of the sins for which the right hon. Gentleman had been visited should really have been laid at the door of a small minority behind him.

MR. BRUEN, in asking permission to withdraw his Motion to report Progress, said, he did not think he need say anything as to the motives for his conduct. No doubt the Chief Secretary had received the support of hon. Gentlemen opposite, and of that he could not complain; but as regarded himself he must say that the Chief Secretary, having the figures and facts before him, recommended his supporters on that side of the House to agree to a certain qualification, and immediately afterwards had abandoned what had been

deliberately agreed to. If he had said anything offensive to the right hon. Gentleman he begged to apologize.

Motion, by leave, *withdrawn*.

Schedule *agreed to*.

Bill *reported*; as amended, to be considered *To-morrow*, at Two of the clock.

#### PRISONS BILL.—[BILL 180.]

(*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson.*)

#### SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Assheton Cross.*)

MR. RYLANDS, in rising to move, as an Amendment—

"That the House, whilst recognizing the necessity of measures being adopted to secure economy and efficiency in the management of Prisons, is of opinion that it would be inexpedient to transfer the control and management of Prisons from Local Authorities to the Secretary of State,

said: In calling attention to the Prisons Bill proposed by the Government, I venture to move my Amendment, acting entirely upon my own convictions. I have no claim to represent any political Party, or section of a Party, in the House upon this question. I speak as an independent Member, and I would appeal to independent Members on both sides of the House upon this subject in which we are all so much interested, and I am anxious to make no remarks which would give rise to feelings of a Party character. Nor do I intend to enter into the great question of local taxation that may come up in the course of the debate; but I shall abstain from going into it, merely remarking that I hold it a great mistake to transfer large sums from the local rates to the Exchequer. I do not purpose to move the rejection of the Bill. I simply propose to call the attention of the House to the subject, and to move my Resolution as it stands upon the Paper. In doing this I wish to give the greatest credit to the Home Secretary for the very able manner in which he brought this important question before the House in the statement which he has made. I do not wish to stand in the way of any plan calculated to increase

the efficient management of prisons or of economy in that management, but I think we must be on our guard, and not be led away by exaggerated ideas or mistaken statements. In the course of Public Business hitherto it has not unfrequently been my lot to advocate measures of reform, and the right hon. Gentleman has taken up a position to restrict such measures. Our positions in the present instance are reversed. The right hon. Gentleman comes forward as a Radical reformer, while I fill the rôle of a Conservative. It is the usual habit of reformers to exaggerate the benefits they hope to derive from the course they propose to adopt, while, at the same time, they keep in the background the disadvantages which may result from the change. The Home Secretary has done both—he has exaggerated the benefits to be expected, but he has withheld important objections. He has drawn a striking contrast from cases of certain large and small gaols. He held up three examples of the excessive cost of maintaining prisoners in small gaols as compared with larger and better managed prisons, showing that while in Stafford the cost was £23 per head, in Salford £15, and in Manchester £17, in Tiverton it amounted to £104 11s. 7d., in Lincoln £114 11s. 7d., and in Oakham as much as £150 4s. 2d., and the consequence was these “shocking examples” were taken up by the newspapers and spread throughout the country an opinion in favour of reform, and an inducement to accept the Prisons Bill. But I must call attention to facts which I think will show the apparent cost is not so great and unequal as it appears to be. I find that according to Returns for 1874, which were laid before the House upon the Motion of the hon. Member for South Leicestershire (Mr. Pell), there is a considerable difference from the statement made by the Home Secretary, whose Returns were based upon the year 1875. The result of this comparison is as follows:—In 1874 the cost of each prisoner in Tiverton was £60 2s., not £104 11s.; in Lincoln £41 13s., instead of £114 11s.; and in Oakham the cost in 1874 was £117 7s., as compared with the following year £150 4s. 2d. Now, to what are we to attribute the difference? Why simply to the fact that in 1874 there was a larger average of two or three prisoners

per day than in 1875. The entire cost of Tiverton Gaol in 1874 was £210, and yet upon this case and those of two other small prisons we are called upon to make this sweeping change in the management of our gaols! In the course of his speech the right hon. Gentleman led us to believe that small prisons were in all cases necessarily more expensive than large prisons. Now, what is the fact? In these Returns for 1874 are included large and small prisons, and there are many cases in which the latter show a more economical management in the cost per head than do the larger ones. In Devonshire, with a daily average of 156 prisoners, the cost was £34 1s. 3d. per head, yet in Barnstaple where there was a daily average of eight prisoners it was only £25 8s., and besides several other instances there was Buckingham, where the cost per head was £27 8s., and where the daily average of prisoners was three. Now, I think these statistics for 1874 deserve the careful attention of the House, and should induce some reflection before we are led away by the revolutionary ardour of the right hon. Gentleman. I will admit *ceteris paribus* that small prisons can be less economically managed than large ones, still I think this principle can be pushed too far; there are limitations. You might suppress small prisons that are well and economically managed, and you might build others so large as to lead to abuses and waste. It seems to me there is in this some resemblance to a manufactory. Of course, it is an advantage to have extensive works, but manufacturers well know the evil of overgrown manufacturing establishments. No doubt the proposal in the speech of the Home Secretary for equal prison districts was a taking one. The right hon. Gentleman said that 40 of the larger prisons provided accommodation for 20,000, and that this was largely in excess of the average of prisoners, the daily average being only 17,806. In these 40 prisons there are 20,000 cells. Well, then the question might be very fairly asked—why not do away with all the prisons with the exception of these 40 large ones? I venture to say that proposal is a very taking one, having regard to the saving of expense; but there are serious objections to carrying it out to the full extent. I think that in dealing with the establishment and constitution of prisons

we must have regard to considerations depending upon local circumstances. These cannot be left out of view. You might make some little economy, but at the risk of creating local inconvenience that is not desirable. We must take care to have a good margin for the accommodation of prisoners between the daily average and the number of cells. Any one who has given attention to the subject knows that there are considerable fluctuations in crime—cycles of crime—some periods having an increase, while at another time the number is much smaller. In addition to that there is the increase in population, in some districts very rapid, while in others it is much less so. These circumstances have to be provided for in prison accommodation. Then also we must have prisons situated not too far apart or too few, or it would lead to an increase in the cost of conveyance of prisoners. It may not be a very serious item of expense; but it certainly is undesirable that prisoners should be conveyed long distances from one part of the country to another. But although the Home Secretary admits the accommodation for 20,000 prisoners, he does not propose to cut down the number of prisons to 40; but what he does propose is to reduce the number of prisons by 50 out of 116, with a view to secure considerable economy. I should like the attention of the House for a short time while we deal with this proposition, and inquire how far it will go towards the attainment of his object. He proposes to retain 66 out of the existing number for the accommodation of 17,806 prisoners. I must take it for granted he will allow for a certain proportion above the average of 1874. If we must have cell accommodation for 22,000 prisoners—4,000 or 5,000 cells less than we have now—that will give us an average of 365 cells to each prison, and I think the right hon. Gentleman can hardly go lower than 365 to provide for the daily average. Well, it is to this point I would direct attention. We want 66 prisons with an average of 365 cells in each. There are, however, not 25 prisons in England and Wales that have that amount of accommodation. But the proposition of the Home Secretary does not stop here. He will maintain one prison in each county, and what position shall we be in with regard to the prisons in the counties? I find that in 13 counties

there is no prison with cell accommodation above 100; in 11 counties no prison with 200 cells; and in 9 counties no prison with 300 cells; so that in 33 counties out of 52 there were no prisons to meet the requirements of the Home Secretary for the carrying out his scheme. What does this mean? It means that the Government scheme will force them in one of two directions, either of which will tell against the desired economy. We must either retain the small county prisons at the expense of management, or we must build larger ones to accommodate the prisoners from those buildings pulled down or otherwise disposed of. My impression is that this suppression of 50 prisons is really what it has been described—a revolutionary scheme. I think after carefully looking at the Returns upon the Table that the suppression of 20 would be amply sufficient. If it is necessary to suppress some prisons, what is the proper course? Clearly, to follow the course adopted in 1865, when 14 prisons were suppressed by a Bill in which these 14 prisons were scheduled. Then every hon. Member could see exactly what was proposed to be done, and the various localities affected could make any representation to the House they thought fit in respect of the Government proposal. I do not doubt that some 15 or 20 prisons might be suppressed, but let these be properly specified. And let me remind the House that since the Returns of 1874 two prisons have been discontinued in the county of Norfolk by the arrangement of the local authorities, one at Swaffham, and another at Yarmouth, with a view to efficient management, and it seems to me that there is an example that might be followed without such a scheme as that proposed. There is another point to which I will call the attention of the House. The Government proposal is directed more against borough prisons than county prisons. [Mr. ASSHETON CROSS dissented.] Well, some in boroughs, and some in counties. There has been within the last few years a number of prisons erected at the expense of boroughs: for instance, take the town of Portsmouth. When in the secret recesses of the Home Office, and surrounded by his counsellors, the right hon. Gentleman takes this prison into consideration he may, under the despotic power conferred by the Bill, decide to

it can only be with reference to diet and labour. That would be easily rectified. The Secretary of State might by this Bill take any additional powers that are required. The Home Secretary also takes credit in his statement for a great saving of £50,000 from prisoner's earnings. Something in this way, I think, might be done. We are very much behind-hand in this respect, and it is a question deserving the serious attention of this House and of prison authorities. There has been, on the part of prison authorities, a disposition to proceed in one groove—in a jog-trot mode in such matters. With judicious management I think the earnings from prisoner's labour might be materially increased, and I hope we may see them increased. It is in some sort a technical education of prisoners, and by employment they might be fitted in after time when they go out of prison to earn wages to keep them from commission of crime. A great reform in the development of prison industry can be better carried out under local than under a central authority, because local bodies would be better able to understand the kind of labour in which prisoners might be most profitably employed, and can make better arrangements for the disposal of the results of their labour than could the Home Office. I find in following out the average of earnings in different prisons that they are very small, and that they vary up to £14 per head. There are several in which the earnings reach from £6 to £10. There are others where they are no more than from £3 to £5, and a considerable proportion where the sums are very small indeed. It seems to me we ought to take blame to ourselves in not increasing the average of prison earnings, because by doing so we should derive great benefit to the county, to the country at large, and to the future of the prisoners themselves. Now, what is my proposal? It is this—and I submit it to the Home Secretary, with the hope that he will see no practical objection to it—to give to the prison authorities every year a percentage equal to the average earnings of the prisoners up to £10 a-year, to be devoted towards the maintenance of the prisons. The number of prisoners at present is 18,000. If it were possible for the local prison authorities by judicious management to bring up the average profit of prison

work to £10 a-head, £180,000 would be produced. From the experience in Germany and elsewhere, we may form an opinion that it is not unreasonable to suppose that £10 a-head could be produced. In a variety of ways it might be possible if some inducement were held out to prison authorities. If you get this moderate amount my proposition is, that Government should supplement it with a similar amount, this will make £360,000. To the grant there might be attached any conditions which the Home Office might think it right to impose, and you would have all the improvements in prison management without interference with local management of expenditure. I may say that, in taking up this question, I have done so from no feeling but that of the interest I take in local self-government. As a magistrate I have taken part for 25 years in the local matters appertaining to that part of the county where I reside, and I honour the public spirit which induces gentlemen to act in their locality for the public service, so that this proposal of the Government appears to me a most dangerous one, striking at the policy which I believe is one of the essential elements on which the progress and well-being of the country is based. If the Government take over the control of the prisons, every argument the right hon. Gentleman has urged applies in equal force to taking over the control of the police. If I had the honour of a seat on the front bench opposite, I venture to say I could come down to the House and make a speech, in which I could show that by taking all the borough police and the county police under one control, the Government would effect a great economy of management, would employ a less number of police at less cost. All these and similar arguments I could advance by the dozen together. But if the Government take over the prisons and the police they must not stop there. I recollect when my hon. Friend the Civil Lord of the Admiralty (Sir Massey Lopes) brought in his Resolution in regard to local taxation. What argument did he use? He claimed that prisons should be taken up by the Government, because they were used not only for the security of real and personal property, but for the security of life. The same argument applies with equal force to the police. But if the Government take over

*Mr. Rylands*

the prisons and police, they must, as I have said, go further; they must take over the control of the magistrates, and institute a system of paid magistrates, like that in Ireland, a sort of superior inspectors of police, and then what a grand flow of promotion we might have!—from policeman to sergeant, from sub-inspector to inspector, and at length to a seat on the magisterial bench. I have seen a newspaper—whose extreme views I do not share—which approved of the Bill, because it was a “slap in the face for the great unpaid.” For my own part, I should be sorry to see this body of gentlemen superseded in favour of salaried officials, and I do think that, considering the large number of magistrates, and the variety of cases that come under their adjudication in contrast with a much smaller number of police magistrates, I may venture to say that comparatively the paid magistrates have made more blunders in the administration of justice, and given rise to more scandal by those blunders in proportion to their numbers, than unpaid magistrates. I have often sat with unpaid magistrates, and remarked the great attention and care they give to the consideration of a case before them. They have not the same amount of legal training; but, for my own part, if I should have the misfortune to be put upon my trial in some case where great care was necessary to secure my liberty, I would rather trust my fate to the consideration of three English gentlemen, because I know that if one should err there would be two others to set him right, than I would to the pig-headed decision of a police magistrate who, with his head full of his own legal knowledge, might be more likely to send an innocent man to prison. Such an instance occurred the other day. Now, I would appeal to the country Gentlemen in this House. There is a newspaper known to many of them, with which I do not often happen to agree—I mean *The Standard*; but in an article on local taxation and local self-government, the writer expresses my views in words I could not hope to improve, so that I will take the liberty of reading an extract. The writer says—

“The local taxation reformers have fixed their eye so exclusively on one object that they are almost blind to considerations of infinitely ~~another~~ magnitude. Centralisation, necessary ~~and~~, no doubt, in modern times, if

carried beyond a certain point, honeycombs the life of a nation and destroys its political energies. But the constant outcry against local burdens must, if successful, tend to the establishment of centralization, and we would ask the English gentry and yeomanry fairly to consider whether the game is worth the candle, and whether they are not departing from their most honourable traditions in giving precedence over all considerations to the breeches pocket. If the provincial aristocracy of this country wish to retain their hold over the people and to continue to exercise the influence which has been exercised by their forefathers from time immemorial, they will be careful of making too great an outcry about the incidence of taxation, against which they have many sets-off, though undoubtedly it is quite true that it may press upon them here and there with undue severity.”

I will only add my hope that the English country gentlemen will continue to exercise that influence exercised by their forefathers, and that they will not abdicate that honourable position in which they employ so much time upon public matters for the public good, for the sake of saving a paltry penny or two in the pound. In conclusion, I have to apologize for the length of time into which my remarks have run, and I beg to move the Resolution which stands in my name.

SIR GEORGE CAMPBELL seconded the Amendment.

#### Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “this House, whilst recognizing the necessity of measures being adopted to secure economy and efficiency in the management of Prisons, is of opinion that it would be inexpedient to transfer the control and management of Prisons from Local Authorities to the Secretary of State,”—*(Mr. Rylands,)*

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

SIR MASSEY LOPES, having taken considerable interest in this question, wished to say a few words in support of the second reading of this Bill. The hon. Member opposite had been one of the strongest opponents of the reform of local taxation and grievances; it was refreshing to hear his hon. Friend advocating the cause of country gentlemen and of the unpaid magistracy, but from the tenour of his speech, he strongly suspected that he spoke more in the interests of unrated property than in those

of local self-government. Turning to the proposals of the Government, he wished to point out that there were three cardinal reasons which would recommend them to the approbation of the House and of the Government. In the first place, those proposals would insure a much more efficient management of our prisons; secondly, they would tend very much to secure greater economy; and, thirdly, they would do what was an act of justice to those who had been unduly charged with the cost of prison administration. The main evils under the existing system which the present measure sought to put an end to were the want of uniformity of the management of our gaols, the excessive number of those establishments, and the extravagant cost at which they were kept up. The gist of the recommendations of the Lords' Committee of 1863 was simply that a uniform system should be adopted in our prisons with regard to labour, diet, and discipline. The Act of 1865, which was based upon recommendations of that Committee, was, no doubt, a great improvement upon our previous regulations, because it established a system where previously none had existed. What had that Act effected? It had, in the first place, substantially handed over all management of prisons and the power of making regulations with regard to discipline, diet, management, and construction to the Secretary of State for the Home Department. It had also imposed various very strict statutory obligations on prison authorities, or the Visiting Justices. The effect of the Act, therefore, was to transfer from the local authorities the powers which they had previously exercised with regard to our prisons to the Secretary of State. The great blot in that Act, however, was that while it gave the Secretary of State enormous powers on those points, it omitted to give him any means of enforcing his regulations, except by withholding the Government grant. Thus the Secretary of State had power by that Act to close defective prisons or those which did not comply with his regulations; but he had no power to compel the neighbouring authorities to receive the prisoners who were in the prison it was intended to close. And, again, while it gave him power to close unnecessary prisons, it gave him none to compel the neighbouring prison

authorities to unite in maintaining one such establishment between them. But the great practical defect of the Act had always been felt to be that the local ratepayers, and not the State, paid the cost of keeping up these establishments. A difficulty had always presented itself in interfering with the organization and management of our prisons by the Secretary of State, because such a small part of their cost was defrayed out of Imperial taxation. The hon. Member opposite had objected to the prisons being taken from under local control; but he should like to know what local control the ratepayers now had over those establishments or over their management and cost. The very small amount of local control which still remained was exercised by the magistrates, who were the representatives, not of the ratepayers, but of the Crown. Magistrates were in no respect responsible to ratepayers; they were the instruments of the Legislature; their appointment and authority emanated from the State. In his opinion, there was not the slightest ground of complaint against the magistrates for the way in which they had exercised the power entrusted to them in this respect. They had performed their functions in a way that had been of the greatest benefit to others, and which had reflected the highest honour upon themselves; but, at the same time, he could not admit for a moment that the magistrates could fairly be described as local authorities. Then, again, the power was not exercised, by the magistrates as a body, but by a few of them who were appointed to the office of Visiting Justices. It was not proposed that their jurisdiction should be altogether superseded, they would still retain a great portion of their authority; it could not be expected that the Government would defray the whole cost out of Imperial funds, and leave the management where it was. To hand over Imperial funds to local authorities over which Government had only a limited control, would possibly lead to great extravagance—there would be no security for better management or increased efficiency. Local relief would be unaccompanied by any reform. The hon. Member had referred to the loss of dignity which the country gentlemen would incur by surrendering this power; but he gave the magistrates credit for

too much character and patriotism to suppose that they would regard their dignity as lowered by being deprived of the petty patronage which enabled them to appoint a few prison officers. Looking at the subject as a question of principle, he had always understood that there ought to be no local taxation without local management and local control over the expenditure, and he should like to know in what respect the ratepayer exercised either of those powers over our prisons at the present time. He thought it was a sound constitutional maxim, that those who provided the money should have some voice in its expenditure; that taxation and representation should go hand in hand, but in this case the principle was entirely ignored. He had always been a strong advocate of local self-government; but he felt that since the Act of 1865 all local control of our prisons had been taken away. The hon. Member opposite, therefore, was fighting for the shadow after the substance had been lost. He had always been of opinion that it would be impossible to change the system without changing the administrators. The reforms which were necessary for the better management of prisons were far greater and more comprehensive than ever could be carried out by the dispersed and independent action of local authorities; they never could be effected by the voluntary agreement of one Board with another. In the majority of cases the local authorities had no bond of union, and it would be quite impossible for them voluntarily to come to the adoption of any uniform system. To make the prison system efficient you must have uniformity. He did not think that uniformity was possible without absolute control on the part of a central authority, and such absolute authority ought, in his opinion, to be vested in the Secretary of State for the Home Department. At present his authority was a divided one, and as opposed to justices, was conflicting. Under the present system there were too many separate jurisdictions and too great a division of authority for it to be expected that an uniform mode of dealing with the question could be arrived at. Each local jurisdiction had peculiar theories with respect to discipline, and therefore every prison had a separate system. The existing discrepancies in regard to diet,

discipline, and the other details of prison management existed not alone in different parts of the country, but were to be found in prisons situate close to each other. Punishment of crime ought not to vary with local and personal fancies and theories, but should be precisely similar in every part of the country. The great fault was inequality and uncertainty; there was no common accord, no fixed principles. Hard labour meant very different things in different places. Two sentences, nominally alike, meant two very different things. Every county and borough might just as reasonably have separate criminal laws as have different modes of carrying out the sentences of the law. His hon. Friend the Member for Burnley had alluded to some of the advantages that had been set forth as likely to result from the passing of the present Bill; but he had failed to mention one or two of some importance—namely, the fact that under a system of prison management with a central authority there would be the means of securing the services of a trained and therefore more efficient and experienced class of officers. There would be the advantage of being able to group and classify prisoners, of devoting special prisons to special trades. Another important feature of the question was that while prison labour could not be profitably employed in small establishments, it could, in large prisons, be made to go very far towards paying the establishment charges. The earnings of prisoners in large and well-managed prisons went far to render these establishments self-supporting. There was great waste of public money from neglect of profitable prison labour. It was the only machinery to recoup the tax on the ratepayer. If the rogue did not work to maintain himself, honest men must work to maintain him. It was to be recommended not only on financial but moral considerations; it was a great moral motive power. Prison work was penal and deterrent, and at the same time reformatory, and if not remunerative, was demoralizing. His hon. Friend the Member for Burnley had laid before the House certain figures in reference to the cost of maintaining prisons; but, unfortunately, his averages had been calculated on the Returns of different years, and therefore they did not agree with those of his right hon.



Friend who had charge of the Bill. In the year 1874 the payments for prison officers' salaries amounted to £242,000, the average being one officer to every seven prisoners; if, as in our best managed prisons, the average was one officer to ten prisoners, only 1,800 officers, instead of 2,500, would be required, and this alone would be an enormous saving; but if the proposal contained in the Bill under discussion was adopted, and 60 prisons were abolished, almost half the salaries of the most highly paid among the officials would be saved. His right hon. Friend, in introducing the Bill, had, in his opinion, considerably over-estimated the additional cost to the State which the direct assumption of all prison charges would involve. His right hon. Friend's estimate was £285,000; but he calculated that, with good management and under a central system, prisoners could be kept at 1s. per day, and therefore that the net annual cost of maintaining them would be £178,000, instead of £285,000. The average annual number of prisoners was 18,000; at 1s. a-day the amount would be £328,000. If you deducted from this amount the profits from labour £100,000—which was at the rate of scarcely 4d. a-day for each prisoner—and also the present Government Grant of £85,000, and added the present annual cost of buildings, repairs, &c., £35,000, the additional annual cost to the State would be £178,000 only; and it must be remembered that in some of our best managed prisons at Salford, Durham, &c., the prisoners did not cost more than 1s. per diem, and we only paid that amount for our Army and Navy prisoners. A comparison of the cost of management in several prisons disclosed an anomalous state of things that could not continue if the Government Bill was adopted. In Sandwich there was one gaol for 3,000 population, in Grantham one for 5,000, in Staffordshire one for 858,000, and in Liverpool one for 500,000. But as regarded prisoners and officers the disparity was greater still. In Buckingham there were three prisoners and four officers; in Tiverton two prisoners and five officers; in Poole five prisoners and four officers; and in Stamford five prisoners and five officers. There were other anomalies which he desired to point out. There were five prisons in

Devonshire where two would be sufficient. The county prison was in Exeter. The prison at Plymouth contained an average number of 31 prisoners, at a net cost of £31; that of Devonport 27 prisoners, at an average cost of £25 14s.; that of Barnstaple nine prisoners; and that of Tiverton an average of two prisoners, at a net cost of £103. It was impossible to deny that a large reduction of prisons might be made. Instead of having 116 prisons, 81 county and 35 borough, or one for 200,000 inhabitants, there might be only 60 to 64—or one prison to 350,000 inhabitants, and the prisons need not be then more than 15 miles apart. With an average annual number of 18,000 prisoners, he found that in 1874 62 prisons contained 15,100 prisoners, while the remaining 54 prisons contained only 2,500 prisoners; there were eight prisons in Lincolnshire, and only 231 prisoners altogether in them; one prison would accommodate every prisoner easily; each prisoner in the county prison there cost £114. There were two prisons in Leicester, the county and the borough; each contained the same number of prisoners—namely, 86, and yet, in the same town and with the same number of prisoners, a prisoner in the county prison cost £47 net, and only earned 15s., while a prisoner in the borough prison cost only £27 net, and earned 64s. He proposed to say a word as to the injustice of charging the ratepayers so large a proportion of prison expenses. The injustice in his view was patent and palpable. The punishment and repression of crime were questions of national importance; they were the functions of national government. There was no duty more Imperial. It was just as much the duty of the State to punish wrongdoers at home as to punish our enemies abroad. What were the primary necessities of every civilized nation? They were the protection of life, the security of property, and the preservation of law and order. The machinery of justice was carried on not for the benefit of any particular locality, but for that of the county at large. Offences were not limited to any particular locality—they were breaches of the Imperial law, and therefore, a charge put upon a particular locality for the repression of crime was unjust. The penalties inflicted should be at the cost of the country, not of the

*Sir Massey Lopes*

locality. It was most unjust to particular localities to mulct them with the cost of imprisoning a criminal whose crime was against society generally. Why, then, should one-seventh only of the income ability of the country be charged with the cost of the repression of crime? Why should not personal property pay its quota to punishment of crime? It received more protection than houses or lands. It was movable, and excited the cupidity of the criminal classes more than houses or lands did. They could not be taken away; but it was the property in them and the persons on them that required protection. The cost, therefore, of the repression of crime ought to be placed proportionately upon all descriptions of property. It should be borne by persons, rather than by lands and houses; that could only be done by charging it on Imperial funds to which all persons and property contributed a fair proportion. A considerable proportion of the cost of the administration of justice was already paid by the Imperial Exchequer—the salaries of the Judges, the expense of the Courts, and the whole expenses of Army and Navy prisoners. The principle, therefore, was admitted. More than that, the State paid the whole expense of convicts. What, he asked, was the reason that in the case of a man sentenced to five years' penal servitude the cost of his punishment was charged to the community, whereas in every case short of five years the cost was charged to the locality? Why should the incidence of the cost of punishment be made to depend on the gravity of the crime or the duration of the punishment? Local taxation reformers were not asking for exceptional relief, for it must be remembered that real property contributed its quota to Imperial taxation in respect to prisons, besides the exceptional charge which it bore at present. His hon. Friend had referred to the relief he had had; but what relief had been afforded during the last 20 years to ratepayers, except that recently given by the present Government? There had been within the last 20 years remissions of Imperial taxation to the amount of £28,000,000, of local taxation—previous to the accession of the present Government, *nil*. During the same time there had been additions to Imperial taxation to the extent of about 10 per cent. Local taxation had

been increased by 100 per cent. In fact, during the last 40 years, with the exception of the small amount given in 1846, no relief of local burdens of any kind had been afforded. On the contrary, new charges had been continually imposed. There was not a single reform, social or sanitary, which was thought to be for the benefit of the country at large which had not been placed on local taxation. Let them take the case of education alone. They all remembered how much was said when the Chancellor of the Exchequer added 1*d.* to the Income Tax; but what sympathy or consideration was shown for the ratepayers when a charge for education which, he believed, would amount to 6*d.* in the pound was added to the rates? The increase of the income tax they could get rid of; but the 6*d.* for education would remain. It would become a rent charge—a permanent income tax. It was said that the remission proposed by the Bill was that of an old charge. No doubt it was; but how many new charges had been imposed? Again, it was urged that the charge was necessary to secure local supervision. For this charge he contended there was no such reason. Local supervision was not necessary, and therefore it was desirable and expedient to take off the charge. And what did it amount to? He was, he believed, overstating it when he said that the maximum of the relief would not amount to more than £400,000, or less than 1*d.* in the pound, for 1*d.* on the net rateable value produced about £185,000. Did the House grudge so small an amount of relief to those upon whom they had recently imposed so many new burdens? He would only say, in conclusion, that under the present system there was great waste of power; that the variations in prison system was absurd, anomalous, and most unjustifiable; and that it was evident that if the cost was placed upon the Imperial Exchequer there would be reduced expenses and greater efficiency, and that great gain would accrue to the public from the direct assumption of the cost and control of the prisons by the State. The proposal of the Government was not only expedient, but it was equitable, and economical. The charge, he did not hesitate to say, belonged distinctly to the State. By the State it ought to be controlled, and to the State it ought to be transferred.

MR. EVANS said, that the hon. Member for Burnley (Mr. Rylands) had described himself in this matter as a strong Conservative, and the Home Secretary as a Radical Reformer who had brought in a Bill of a revolutionary character. He did not know how this might be; but he congratulated the right hon. Gentleman upon having the courage of his convictions. The Party at present in Opposition had hitherto been twitted with advocating measures of centralization, but now a scheme of that character emanated from the other side. Far from complaining of this, he heartily approved of the Bill, because he believed it would be for the benefit of the country, and therefore hoped the House would pass it. He had no doubt his constituents would be glad to be relieved from the great expense of prisons. There were many precedents in favour of relieving local taxation from this burden. The trial of prisoners, the prevention of crime, and the maintenance of convict prisons were already borne by the State, and why should not the maintenance of prisoners in gaols be also regarded as an Imperial question? The relief to local rates, although important, was not, however, the greatest merit of this Bill. He believed that by such a system alone as was now proposed could real uniformity of prison management and punishment in the gaols throughout the country be secured. His hon. Friend (Mr. Rylands) was quite mistaken if he supposed that by the Act of 1865 uniformity had been obtained. On the contrary, in spite of that Act, the greatest possible diversity existed. Some magistrates thought remunerative labour a good thing; others that useless labour was more deterrent. In one place there was one dietary, and elsewhere another. Sometimes the separate system and at other times the silent system was adopted. He was not finding fault with the local authorities, and in his own county (Derbyshire) they had done their best to make the gaols efficient; but as opinions differed it was inevitable that gaols should be managed in different ways throughout the country. He might claim to be pretty well acquainted with the wishes, tastes, and fancies of the prisoners in our gaols, and he could assure the House that the discrimination they showed in their appreciation of different prisons was almost beyond belief. Some five or six years ago a man was

tried before him for stealing fowls, in Derbyshire. Being an old offender, he was intimately acquainted with the interior of all the gaols in that and the neighbouring county. After the theft, which he had committed near the boundary of the counties of Leicester and Derby, he went to a furnace—for it was a cold winter's night—and there cooked one of the fowls, then ate half of it, and fell asleep. Early the next morning a policeman found him fast asleep, with the remains of his spoil scattered around him. He shook him by the collar and said—"I take you in custody on the charge of stealing these fowls." The man rubbed his eyes, and the very first words he said were—"Do tell me in what county I am? In Leicestershire or Derbyshire?" "In Derbyshire, to be sure," said the constable. The man instantly replied—"Thank God for that." The hon. Member for Leicester, sitting opposite, would no doubt be pleased with that answer. As one of the magistrates of Derbyshire he (Mr. Evans) confessed he felt humiliated. They had been racking their brains to make their prisons as unpleasant to criminals as possible, yet here was a man who thanked God that he was going to Derby instead of Leicester Gaol. Now, his desire was that there should be a most unpleasant and disagreeable uniformity and monotony in the gaols throughout the country. These "light-fingered gentry" who lived upon the public ought no longer to speculate as to which gaol they should be sent to, or what form of punishment they would have to undergo. So important was this uniformity that if the Bill secured that alone it would be a very valuable measure. He was not quite so sanguine as the Home Secretary as to the diminution of expense under the Bill, because when the magistrates of his county wished to reduce expenditure, the Home Office and the Inspector of Prisons took a line which rendered it necessary to augment it. He agreed with his hon. Friend that questions of county expenditure would very soon have to be settled by Financial Boards. Many years ago it was said that that question was a monopoly of the Liberal Party, and he had on many occasions raised a cheer from his constituents in advocating such a change; but it was impossible to make political capital out of it at the last Elec.

tion, for he found that his opponent was as strong on the point as he was. He believed that they must before long entrust the management of county expenditure to Boards elected by the ratepayers. He had, however, always doubted whether a Financial Board would be so good a body as the magistrates to manage the gaols; but now that the prisons would be managed by the Government that difficulty would be got rid of, and a County Boards Bill would be more easily carried. He thanked the Home Secretary for bringing in a Bill which was bold and sweeping, but which he believed would be exceedingly advantageous to the country.

SIR WALTER BARTTELOT regretted that he was obliged to speak strongly against the Bill. He had had the greatest confidence in the Home Secretary and for what he had done at the Home Office; but on this occasion he neither liked his policy nor the reasons he had given for introducing the Bill. If uniformity in the management and the abolishing of certain of our gaols was all the Bill proposed to do he should be prepared to adopt it, but he had other objections to the measure. He objected to it because it was a direct blow against the jurisdiction of the local magistrates of the country, because it was a direct blow against local self-government; he objected to its confiscating character, and to its centralizing tendency. There was no man who knew more the value of local magistrates, or who ought to do so, than the Home Secretary, because he had been a magistrate for many years, and had been chairman of quarter sessions. He knew exactly their capabilities, and that they had endeavoured honestly to do the duties that had been reposed in them; but this was the greatest blow that the magistrates, as a body, had ever received, and he was indeed surprised it should come from his right hon. Friend. As the hon. Baronet the Member for South Devon (Sir Massey Lopes) had reminded them that the Government paid the Judges, he could not help seeing in that remark a suggestion that they might have a magistracy also paid by the Government. The hon. Baronet shook his head. Then having taken the management of the prisons out of the hands of the magistrates, why should not the Go-

vernment take the management of the police also out of the hands of the magistrates, because the two ought to go together. For the sake of the trivial saving that was promised, ought we to depart from old usage and adopt centralization, which would weaken those local institutions to which we owed so much of our national life and greatness? If the Returns for the gaols were analyzed, and Salford, Winchester, or any gaol might be taken, it would be found that five-sixths of the prisoners were in gaol for short periods, periods under two months, and only one-sixth for what might be denominated long periods; indeed, nine-tenths were for periods under three months and one-tenth only for longer periods. Were these short-term prisoners to be moved about all over the country; and, if so, who was to bear the expense of their conveyance? Where were prisoners to be remanded to, and were new police cells to be built for remanded prisoners, and that with the chance of their being confiscated without notice? They might feel sure that after this change had been effected others would follow. Could it be true that the Home Secretary contemplated the confiscation of £3,000,000 of the property of the ratepayers? The gaol at Salford had cost £180,000; it had been furnished with the most modern appliances and all those deterrent means that were thought to be necessary; it provided accommodation for 1,100 prisoners, the average number for five years having been 600; and now it was to be taken from the ratepayers and confiscated to the Government. Surely that could not be right. The town of Bolton, which had sent its prisoners to Salford under arrangements by which it contributed towards the cost of the gaol, was to be called upon to find accommodation for 100 prisoners at a cost of £120 a cell, which would involve an expenditure of £12,000. Was it wise and prudent to impose such a burden on the town under the circumstances? and if Bolton was to pay for the accommodation provided for it surely it was only just the ratepayers who built and provided extra accommodation for Bolton should have the benefit of the money so paid by Bolton. No doubt there had been anomalies in prison management; but the Act of 1865 had gone a long way towards remedying them, and an amend-

ing Act would have done all that it now required. In this way the extra cost of building could have been avoided. A more or less uniform diet could have been enforced, but absolute uniformity was impossible, because different localities were inhabited by different classes, some who lived high and fast, and others who lived low and poorly, and the two could not be treated exactly alike. The Government lunatic asylums did not compare favourably with others in the cost of the management, and he feared that the results of the management of prisons by the Government would be disappointing. Would the necessity for and the cost of improvements be as carefully considered by Commissioners as they were by magistrates? As to prison labour, that could easily have been made more uniform if the Home Secretary had exercised the power he possessed, or had taken a little more if he required it. It was right the criminal classes should expect equal punishment everywhere, and that could have been accomplished by more efficient inspection without centralization. Magistrates could not continue to take as much interest in prison management under Commissioners as they did now. By one clause in that Bill his right hon. Friend, knowing that he had a large majority to support him, was prepared to say that no further contracts should be entered into or anything done in respect to gaols until that Bill came into operation—namely, on the 1st of April, 1877. That, he thought, rather a strong measure. If that Prisons Bill became law, the next thing would be the transfer of the lunatic asylums to the President of the Local Government Board. He was told that in some places the authorities had taken fright at that Bill, and that works had been stopped. There was to be a great meeting on that Bill to-morrow, and the Home Secretary ought to have allowed the measure to be considered in the country before pressing it to a second reading. He asked whether they were going to give up all their independence and submit to centralisation for the sake of local taxation relief of £150,000? He was, he said, willing to accept from the Government the amount it might be pleased to give them, as long as it left them the control they possessed, but he was unwilling to accept a single farthing

from it if it took the control away from them. The Home Secretary might increase the sum he gave the localities for the maintenance of prisoners and still leave the prisons in their hands. Again, the patronage which the Bill would give the Government was a dangerous thing; and he doubted, moreover, whether it would be possible to find men more capable than the governors of gaols in England generally were of doing the duty required of them. That measure was a revolution, not a reform. It would go a long way to destroy that interest in county management which was taken by so many gentlemen. Under those circumstances he had asked himself what he ought to do. He might vote for the Bill; that he could not do. He might walk out of the House without voting, but after what he had said that would be cowardly. He was driven, therefore, to vote for the Motion of the hon. Member for Burnley. [Sir WILLIAM EDMONSTONE: No.] But he should. The hon. and gallant Member had not a pistol that night, and he (Sir Walter Barttelot) might fire his shot as he thought best. He appealed to his right hon. Friend not to press the second reading of the Bill. It had only been before the country a fortnight, the quarter sessions were coming on next week, and until the opinion of the country was pronounced it was neither wise, prudent, nor statesmanlike to press the measure forward. When the Bill had been thoroughly discussed by the country, and if it was accepted by the country, the Government would then have an easy task in passing it.

Mr. NORWOOD quite agreed with the hon. Baronet who had just spoken, and cordially endorsed every word he had uttered, and more especially his condemnation of the way in which the Bill was being hurried forward. He had that day presented a Petition against the measure from the mayor and corporation of the borough he had the honour to represent (Hull), which had been agreed to at a meeting held yesterday, which protested strongly against the injustice of the measure, and pointed out that in their case it would amount to confiscation and robbery. The Home Secretary had claimed a saving of £100,000 from the adoption of his scheme; but he was confident that not even that small amount of economy

*Sir Walter Barttelot*

would be effected by it when they came to pay the salaries of the proposed Commissioners and Assistant Commissioners, and also the allowances to those officers who were to be pensioned off. He believed the unpaid magistrates, whose authority was threatened by the Bill, performed their duties on the whole exceedingly well. To a certain extent, the liberties of this country were bound up in the present system. If a prisoner were ill-treated now while in prison, he could easily obtain redress; but if he were sent 100 miles away from his locality, it would be very difficult for him in many cases to communicate with his friends, and he would be almost entirely at the mercy of his gaolers. The principal consideration which he had to submit to the House, however, was a financial one. The gaol of Hull happened to be a new one, built on a very expensive site, and worked on the most approved system. Hull being a growing town, the local authorities had very wisely provided accommodation considerably in excess of their immediate requirements. The result was, that although the daily average of prisoners at Hull in 1873 and 1874 was only 235, there were no fewer than 389 cells. The gaol cost in building £83,000, and there was at the present time a mortgage debt of over £40,000 in connection with it. If the Government scheme were carried out, therefore, Hull would be placed at a very serious disadvantage. A town which did not provide sufficient prison accommodation would only be called upon to contribute at the rate of £120 per cell. The contribution paid by Hull in such a case would only amount to £28,200. Yet the Government proposed to confiscate at Hull buildings and land which were worth £83,000, and on which rested the mortgage debt already mentioned. He could not believe that the right hon. Gentleman had contemplated such a case as that of Hull in framing his measure. They had sufficient experience of Government management to beware of its further extension. He did not know a single Department that was not managed in the most expensive manner. He had voted for the acquisition of the telegraphs; but if the vote was asked for again, he should certainly hesitate very much before giving it. The Bill would throw well-managed, moderately managed,

and badly-managed prisons into hot-h-potch, to the grievous injury of the best-managed and the great advantage of the worst-managed gaols. Again, the Bill would diminish the inducement now felt by the magistrates to repress crime, and it would place sober localities on a level with drunken ones. Then centralization itself was a dangerous step. On the whole, he believed the Bill would be unfortunate in its results, and he hoped the Government would re-consider, at all events, some of its provisions.

MR. RODWELL remarked that it could not fail to be gratifying to the Justices to hear the compliments which were being paid on all sides as to their usefulness. With regard to this Bill, he must say that, on the grounds that it secured uniformity in discipline and punishment in our gaols, and relief to local taxation of the burdens of which they had long complained, he gave it his cordial support. He demurred entirely to those statements which seemed to make it appear that this system of centralization was entirely unknown. He believed this Bill was only an extension of the principle introduced into the Act of 1865. That measure had proved a complete failure, and he denied the proposition that all that was now required was to amend it; for in his opinion it was hopeless to secure uniformity and economy in management while so many persons had limited control, subject to the superior control of the Home Secretary. When he was told that if this measure was passed the visiting magistrates would feel so hurt that they would become negligent of their magisterial duties, he could not accept such a view of the case. On the contrary, he believed that if their power was still more crippled, they would be still found ready to perform their duties in the detection and punishment of crime. As regarded the argument in respect to centralization, he would ask what were the powers of the visiting magistrates under the existing law? This Bill was only carrying out the principle acted upon since 1865, and he believed the only mode in which they could accomplish this was by placing the power in the hands of the Home Secretary in the manner proposed by this Bill. He was not surprised at the notion of the hon. Member for Burnley (Mr. Rylands), that this was an inter-



would save him three farthings in the pound. [Mr. RODWELL: I did not say that.] At all events, such was the effect of his hon. and learned Friend's argument. He (Mr. Dodson) could not agree with his hon. and learned Friend that this Bill was merely an extension of the principle of the Act of 1865. The principle of that Bill was that the Secretary of State should have certain powers of supervision and control; but under this Bill the powers of the Visiting Justices were virtually put an end to. His hon. and learned Friend might as well say that cutting a man's throat was only an extension of the act of shaving. He looked upon this Bill as a material interference with local self-government. But, although he was an advocate of local self-government, he was not such a fanatical supporter of that system as not to admit that there were cases in which centralization might not be desirable. He made this admission to the Home Secretary—that if there were any matters to be taken into the hands of the Government, prisons and lunatic asylums might fairly be so considered. But the Government had exposed themselves to the strictures made on this Bill by the course they had adopted with reference to local taxation. If they had shown any indication of a settled policy in regard to that subject; if the House could see any disposition on the part of the Government to deal on principle with this question; if they saw the Government centralizing in one direction and decentralizing in another, they might be prepared to approach the consideration of this Bill in a more favourable spirit. But, while this was undeniably a measure of centralization, magistrates, in their capacity of Visiting Justices, having authority and control over prisons, were lowered to the position of mere honorary reporters to the Government. The hon. and learned Gentleman seemed to him to have misunderstood the hon. and gallant Member for West Sussex (Sir Walter Barttelot) when he attributed to him the opinion that the magistrates would, if this Bill passed, neglect the other duties. Nothing could be further from his hon. and gallant Friend's mind than to convey such an impression as that. [Sir WALTER BARTTELOT: Hear, hear!] All he wished to convey to the House was that they would not for the future feel

the same interest they had hitherto felt in the proper administration of the prisons. Under Clause 11, certain shreds of power as to visiting and reporting on prisons were left to them, and it would be well if those shreds of power did not bring them into collision with the Assistant Commissioners, who were to have similar powers. No one could regard the concentration of power and patronage which this Bill placed in the hands of a Minister as a matter of indifference. Already they had a large and increasing number of Commissioners and Inspectors. Every other man one met was a Commissioner or Inspector, and this Bill enabled the Home Secretary to create a Board of five Commissioners, with an indefinite number of Assistant Commissioners. All the appointments in existing gaols were transferred to the Home Secretary, except those who were described as subordinate officers in the Act of 1865. The number of persons who were not subordinate officers was very considerable. There were 149 gaolers, 132 chaplains, 118 surgeons, 111 matrons—in all 510 persons. There were besides these nearly 2,000 subordinates, whose appointments would rest with the Commissioners. Directly or indirectly that Bill would place in the hands of the Home Secretary the appointment of upwards of 2,500 persons. Besides this, there were 1,700 appointments in convict prisons which were under the patronage of the Home Secretary, and thus he would have the patronage of upwards of 4,000 appointments. It had been suggested that the second reading of this Bill should be deferred till after the quarter sessions had met, and there was much force in the reply of the Prime Minister that it would be instructive to the magistrates if the House discussed the Bill on the second reading. He thought a course might be adopted which would combine both advantages. The Bill should be discussed as far as the House thought fit to-night, and then the debate might be adjourned till the quarter sessions were over. The Bill would extinguish one of the principal powers of the magistrates who had discharged their trust faithfully and well, and this part of the Bill should not be affirmed until the magistrates had had an opportunity of considering the matter. The hon. Baronet the Member for South Devon



(Sir Massey Lopes), whose voice had, after a long interval of silence, been once more heard in that House, speaking with his old force and ability on the subject of local taxation and the grievances of the ratepayers, had said that the blots in the present system were want of uniformity and extravagant expenditure. No doubt the want of uniformity was a defect; but it might be remedied by a measure less sweeping than the present one, which if it had been introduced by the late Government would have been described as an heroic measure. The local ratepayer was to be relieved of £400,000 of expenditure, and the general taxpayer was to be burdened to the extent of £300,000. The hon. Baronet (Sir Massey Lopes) had strongly insisted that the protection of the police and the punishment of crime was exercised mostly in respect of personal property, and that therefore personal property should be called on to pay. Both real and personal property, however, would contribute to the £300,000. It was said that there would be a net saving of £100,000, derived partly from the suppression of a number of small gaols, the concentration of prisoners within fewer walls and under a smaller staff of officials, and partly by the increased earnings of the prisoners. This saving, however, would depend not on the Bill, but on the firmness with which the Home Secretary for the time being exercised the powers of retrenchment and of regulation which would be conferred on him. One supporter and another of the Government would represent to him that a particular prison should not be suppressed. With regard to the reduction of the number of prisons, he might observe that the 27th and the 42nd clauses, taken together, provided for the maintenance of one prison in each county. Consequently, the Home Secretary would be bound to maintain such small prisons as existed at Oakham, in Huntingdonshire, and in several Welsh counties. There were many county prisons in which there were very few prisoners. The £50,000, therefore, which was to be derived from the suppression of small prisons would be, to say the least, doubtful. As to the £50,000 additional to be got from the earnings of prisoners, he doubted whether the Government management would be so superior as to secure this additional sum.

*Mr. Dodson*

In the convict prisons there were 10,000 prisoners who earned £200,000 a-year; but that was the estimated value of their labour upon public works, and not money realized from the sale of their work. Convicts were also mostly in prison for long periods, so that they could be trained to work effectually. In the local prisons 18,000 prisoners only earned £50,000 a-year. The House must remember that the majority of the prisoners in those gaols were only under sentence for short terms, and could not therefore be taught a trade. Did the Home Secretary hope that the Government officials would make better salesmen than the local authorities? He feared, too, that in disposing of the mats produced by the prisoners the Government would be told that they were competing with "honest labour," and that this objection might lead to serious inconvenience—for example, on the eve of a General Election. The Home Secretary was sanguine that he would be able to reduce the cost of maintaining the prisoners. According to the judicial statistics of 1874, the average cost of a convict appeared to be £33 a-year, and deducting the labour, value £20, the net annual cost was £13, while the cost of a prisoner in local gaols was stated by the right hon. Gentleman to be £27 or £28. In prisons, however, where the convicts were not engaged upon public works—as at Pentonville, Millbank, and Woking—they cost as much as in local prisons under local management. Some explanation should be afforded on these points, and he hoped that the Government would consent to adjourn the debate, so that the subject might be considered at quarter sessions before the House was called upon to affirm the principle of the Bill.

Mr. GOLDNEY said, he thought that the details mentioned by the right hon. Gentleman were rather questions for Committee. Of the 118 prisons throughout England and Wales there were 20 with an average of only nine prisoners each, while each prison had four or five officials, and 24 more prisons had an average of only 22 or 23 prisoners. These facts of themselves afforded almost a sufficient justification for the Bill. It was in 1823 that an Act was passed by Sir Robert Peel calling on each county to provide a prison for itself and to appoint Visiting Justices. All the Acts

on the subject of prisons passed since 1823—and they were many—had been entirely in the direction of inducing the prison authorities to diminish the number of prisons. No doubt originally every man committed to prison was committed to the prison of the county where the offence had been done. But within the last 25 or 26 years Acts were passed authorizing persons to be committed to some other prison besides that of the county, and in that way some of the expenses entailed on counties and boroughs were diminished, those who were not inclined to incur of themselves the cost of building a prison, making certain contributions to other prisons, in proportion to the number of prisoners committed. It had been complained by a large number of Members on both sides that an enormous amount of additional responsibility and expense was imposed on the local authorities by modern legislation. In this very Session there were five or six Bills conferring larger powers on local authorities, and requiring larger contributions from them. The hon. and gallant Member for West Sussex (Sir Walter Barttelot) said that if they began by taking the prisons they might continue the work by taking the police. But was there not a time when a great outcry arose among the country gentlemen that they should be called upon to bear the burden and expense of the police in the rural districts? The truth was that it was according to human nature that when a power was once acquired an outcry was sure to be raised when it was attempted to remove it. In proof of this he might refer to the boroughs, which fought so hardly when their municipal privileges were attacked, either as regarded their prison, police, or magisterial jurisdiction. Magistrates would have quite enough to occupy the whole of their spare time in attending to the various new duties imposed upon them, if relieved from the task of looking after the local prisons. And apart from the question of economy, which should not be disregarded, if we could diminish the number of gaols and insure a uniform system of regulations, so as to make punishment really deterrent, by that means alone we should effect an object which would be of the greatest benefit to the nation. He understood the object of the Bill to

be not that there should be one prison in each county, but one to be fixed in each locality according to the amount of crime, and he could not help thinking that under its operation a great saving would be effected, and a public advantage gained.

MR. COLE said, he was greatly disappointed at the character of the Bill. It did nothing with respect to the great question of industrial labour, leaving the Prisons' Act of 1865 untouched as to this, and its simple object seemed to be centralization. It, moreover, furnished no means of knowing what gaols were proposed to be abolished, and it took out of the hands of the Justices the whole power which they possessed, except that of interfering in small matters of general discipline, such as authorizing the Governor of a gaol to put a prisoner in irons, and reporting to the Home Secretary. The abolition of too many of the borough gaols would create great inconvenience and also hardship to prisoners committed for trial. The expense, too, of the removal of prisoners to the county gaols instead of their committal to borough gaols would be great, and this expense would fall on the ratepayers. If a man were committed to a borough gaol he could send for his friends or his attorney; but if he were committed to a county gaol 100 miles off from the place where he lived, how could he consult his friends or his attorney? The Home Secretary proposed by uniform management to obtain a much larger sum from the industrial labour of prisoners than it yielded at present. How was that to be done? Under the Act of 1865 prisoners committed for any period not exceeding three months could not be put to industrial labour at all; and as to those who were sentenced to six months' hard labour, the first three months must be passed in the first class of hard labour under the Act of 1865—that was to say, in carrying shot from one end of the prison yard to the other, in grinding the winch, in going on the treadmill, or breaking stones. The Bill ought to deal with the question of industrial labour. The men who were sent to gaol were generally found to be extremely ignorant of handicraft labour. While they were in gaol they ought to receive instruction in some handicraft trade in order that when they left gaol they

might have no difficulty in earning a living. He regretted extremely that this Bill had been pressed on before the meeting of magistrates at quarter sessions, and believed the Government would find there was a strong feeling against it in the country. As the measure was not comprehensive he should oppose it.

SIR HENRY SELWIN-IBBETSON said, the Government had no reason to be dissatisfied with the course of the debate or to suppose that if the decision of the House on the second reading of the Bill should be deferred they would be in any worse position with regard to it than if the measure had passed this stage at an earlier period. An hon. Member said the Bill would so fetter by its restrictions the power of the Visiting Justices that practically there would be no use for them. The Visiting Justices were quite aware that their present powers were limited by the discretion of the Secretary of State. The Visiting Justices could go into and inspect private lunatic asylums; but they had only power to report to the Lunacy Commissioners the results of their observations. As to remunerative labour on the part of the criminals, that was a subject of great difficulty. By the system proposed in the Bill they would be able to teach the prisoners a variety of trades, and, taking the proposed scheme into consideration, be able to make criminal labour more productive. What, among other things, they asked the House to consider was the deterrent influence which the measure would in its operation have upon criminals. It would become a reformatory measure and a productive one. It was a measure which was worthy the most serious consideration of the House. The reduction of local taxation was a subject which many hon. Members were fond of bringing before the House, and it was a subject the importance of which he was fully prepared to admit. His own view of the question was that local reforms, regarded from a financial point of view, would become much more practicable after the management of prisons was taken out of the purview of local authorities. The power to which objection had been taken—namely, that of retaining one prison in each county, was practically a safeguard against the evil to which it was contended it would give

rise. From the information which had been laid before the Home Secretary he could say that the proper selection of prisons would practically bring each within reasonable distance in each criminal jurisdiction, and that prisoners could be as easily remitted to those prisons as they now were to the existing prisons; it was only in the case of convicted prisoners that the powers of removal for the purpose of classification could be exercised. It had been urged more than once that night that the Secretary of State based his advocacy of the Bill on the ground of great economy, and figures had been largely quoted in reference to that subject; but they might take it for granted that there was a great discrepancy between the cost of prisoners in one prison and in another, but the average per head was about £35 a-year, and deducting the labour earnings of a convicted prisoner from the cost of his maintenance, it would reduce the latter to about £13, and wherever the labour test could be applied they would get the cost of maintenance of prisoners very considerably reduced. One of the effects of the Bill would, he believed, be not only a reduction of prisons, but also of the gaol staffs to a considerable amount. He was satisfied, speaking as a magistrate, and well acquainted with the feelings of the magistrates of England, that they would give their hearty co-operation to the Government in carrying out any arrangements that might be made for the management of the prisoners, just as they had co-operated with the Lunacy Commissioners, and as they had done in carrying out the regulations of quarter sessions. Believing that the Bill would work a great reform in the history of our criminal populations, and that it was a measure of long-called-for relief to local burdens, he thought the House would act wisely in giving the Bill a second reading.

THE LORD MAYOR (Mr. ALDERMAN COTTON) moved the adjournment of the debate.

*Moved*, "That the Debate be now adjourned."—(Mr. Alderman Cotton.)

THE CHANCELLOR OF THE EXCHEQUER said, it would be unreasonable to offer any objection to the adjournment of the debate. Other business having intervened, the House had not had a

full night for the discussion of an important and interesting subject, and the Government would not, therefore, throw any obstacle in the way of the adjournment. With regard to the resumption of the debate, he wished to point out that to-morrow morning had been assigned to business which it would be inconvenient to alter. Next Monday had been appropriated to the Navy Estimates, and Thursday in next week had been given to the debate on the Irish Land Bill. There would not therefore, he presumed, be any opportunity of resuming the debate on the present Bill until the week following. In the absence of the Prime Minister he would not fix the day, but would move that the debate be adjourned until this day week, in order that the day for resuming the debate might then be named. The right hon. Gentleman at the head of the Government, when asked by an hon. Friend (Sir Walter Barttelot) to adjourn the second reading until after the quarter sessions, stated that he thought it would be more advantageous that it should be discussed in that House before quarter sessions than afterwards. He believed that the discussion of that night would very much assist those who might take an interest in the Bill at quarter sessions, and enable them to discuss with greater advantage the details of a measure which was of great importance to the country, and not to the magistrates principally, but with reference to the incidences of local burdens. Considering the important part magistrates had played in the past, and the important part he hoped they would continue to take in the future, the Government had no desire whatever to weaken their position, but every desire to secure their co-operation and assistance; and if the matter were fully looked into, it would be found that what the Bill did was mainly to relieve them from some of the difficulties incidental to their position. The debate might now be adjourned for a period which would enable quarter sessions to consider the measure.

MR. NEWDEGATE hoped that the debate would not be resumed until after next week, when the quarter sessions would generally be held throughout the country, and when many Members of the House would necessarily be absent who were directly interested in the question. He could state the bench of

magistrates with which he was connected had taken precisely the views expressed by the hon. and gallant Baronet the Member for West Sussex (Sir Walter Barttelot).

MR. GOSCHEN asked the Home Secretary to lay on the Table of the House information respecting the computation of savings to be effected under the Bill, including superannuations and pensions.

MR. PAGET asked the Government to re-consider Clause 8 of the Bill, with a view to its modification, so as to give Visiting Justices the power of appointing subordinate officers, in order to give them control over those officials. He, however, approved of the Bill.

MR. PEASE asked the Home Secretary to lay on the Table of the House a schedule of the gaols that would probably be closed under the operations of the Bill.

MR. SERJEANT SIMON asked to have a day fixed for the further consideration of the Appellate Jurisdiction Bill, because, after next week, the Members of the Bar who were Members of that House would be away on circuit.

MR. ASSHETON CROSS said, he would lay what information he could respecting what had been asked of him on the Table. He was sorry that, by the adjournment of the debate, he was then unable to give an answer to one or two points that had been raised in the course of the debate.

MR. WHITBREAD expressed a wish that the right hon. Gentleman would state the bases of the calculation according to which he expected to be able to maintain prisoners at £24 per head.

THE MARQUESS OF HARTINGTON urged the advantage of the calculations as to the saving that would be effected by the measure being presented to the House in a clear and intelligible form.

*Motion agreed to.*

*Debate adjourned till To-morrow, at Two of the clock.*

#### EMPLOYERS LIABILITY FOR INJURIES TO THEIR SERVANTS.

Select Committee appointed, "to inquire whether it may be expedient to render masters liable for injuries occasioned to their servants by the negligent acts of certificated managers of collieries, managers, foremen, and others to whom the general control and superintendence of workshops and works is committed, and

whether the term 'common employment' could be defined by legislative enactment more clearly than it is by the law as it present stands:—"Select Committee nominated:—Sir JOHN HOLKER, Mr. LOWE, Mr. WYNDHAM, Sir HENRY JACKSON, Mr. W. STANHOPE, Mr. SHAW LEFEVRE, Sir DANIEL GOOCH, Mr. MACDONALD, Mr. TENNANT, Mr. MUNDELLA, Mr. KNOWLES, Mr. EUSTACE SMITH, Mr. GIBSON, Mr. MELDON, and Mr. CAWLEY:—Power to send for persons, papers, and records; Five to be the quorum.—(*Mr. Secretary Cross.*)

#### WAR DEPARTMENT POST OFFICE (REMUNERATION, &C.) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to provide for the payment of remuneration and the grant of superannuation allowances and gratuities to certain persons employed under the Secretary of State for War and the Postmaster General, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH, Mr. Secretary HARDY, and Lord JOHN MANNERS.

Bill *presented*, and read the first time. [Bill 206.]

#### TRAMWAYS (IRELAND) ACTS AMENDMENT (DUBLIN) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to amend "The Tramways (Ireland) Act, 1860," and "The Tramways (Ireland) Amendment Act, 1861," as regards the application of the same to the county and the county of the city of Dublin, *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL FOR IRELAND.

Bill *presented*, and read the first time. [Bill 207.]

#### TOLL BRIDGES (RIVER THAMES) BILL.

*Ordered*, That the Select Committee on the Toll Bridges (River Thames) Bill do consist of Eleven Members, Six to be nominated by the House, and Five by the Committee of Selection.

*Ordered*, That Mr. COOPE, Mr. CURITT, Sir JAMES HOGG, Sir ANDREW LUSK, Sir CHARLES RUSSELL, and Mr. Alderman M'ARTHUR be Members of the said Committee.

*Ordered*, That all Petitions presented during this Session against the Bill be referred to the Select Committee on the Bill, and that such of the Petitioners as pray to be heard by themselves, their Counsel, or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions.

*Ordered*, That the Committee have power to send for persons, papers, and records; Three to be a quorum.

House adjourned at half  
after One o'clock.

## HOUSE OF LORDS,

Friday, 23rd June, 1876.

MINUTES.]—SELECT COMMITTEE—Parliamentary Agency, *appointed* and *nominated*.

PUBLIC BILLS — *First Reading* — Commons\* (139); Jurors Qualification (Ireland)\* (140); Queen Anne's Bounty\* (141); Elementary Education Provisional Order Confirmation (Cardiff)\* (142), and *referred* to the Examiners.

*Second Reading* — Merchant Shipping (99); General Police and Improvement (Scotland) Provisional Order (Lerwick)\* (122).

*Committee*—Provisional Orders (Ireland) Confirmation\* (67); Coroners (Dublin)\* (102).

*Report*—Burghs (Division into Wards) (Scotland) Amendment\* (116); Smithfield Prison (Dublin)\* (117); Kingstown Harbour\* (103).

*Third Reading* — Trade Marks Registration Amendment\* (121), and *passed*.

#### PARLIAMENTARY AGENCY.

##### MOTION FOR A JOINT SELECT COMMITTEE.

LORD REDESDALE, in moving the appointment of a Select Committee to consider, jointly with a Select Committee of the Commons, the existing system of Parliamentary Agency, said, that at present there was practically no professional qualification required in the case of persons practising as Parliamentary agents, and much inconvenience and loss and delay resulted to those who were interested in Private Business before Parliament from the incompetency of some of those persons. In the year 1837 the other House made certain Rules respecting Parliamentary agents. They were to be personally responsible for the observance of the rules, orders, and practice of Parliament, and for the payment of all fees and charges; and no person was allowed to act as agent until he had subscribed a declaration to that effect; he might also be required to enter into a recognizance of £500 conditioned to observe this declaration; he was then registered in a book kept in the Private Bill Office, and was entitled to act as a Parliamentary agent. These rules gave some sort of security for the proper conduct of Parliamentary agents as regarded the other House, though there was none for their efficiency, which he hoped might be secured by proper rules to be adopted by both Houses on the recommendation from the Joint Committee he now sought to obtain. The noble Lord concluded by moving

the appointment of a Select Committee, and the consequent Message to the Commons.

THE DUKE OF RICHMOND AND GORDON expressed his concurrence in the Motion.

*Motion agreed to.*

Select Committee appointed to join with a Committee of the Commons to consider the expediency of making further regulations concerning the admission and practice of Parliamentary agents, and to report their opinion thereon:

The following Lords named members of the Committee:

M. Lansdowne.	L. Redesdale.
E. Doncaster.	L. Penrhyn.
E. Camperdown.	

And a message sent to the Commons to acquaint them that this House has appointed a committee of five Lords to join with a committee of the Commons "To consider the expediency of making further regulations concerning the admission and practice of Parliamentary agents, and to report their opinion thereon;" and to request that the Commons will be pleased to appoint an equal number of members to be joined with the members of this House.

**MERCHANT SHIPPING BILL—(No. 99.)**  
(*The Lord President.*)

**SECOND READING.**

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND AND GORDON, in moving that the Bill be now read the second time, said, that the object of the Bill, which had come up from the other House of Parliament after having been subjected to very careful consideration and amendment, was to provide additional security for the lives of our sailors from the avoidable risks which attended their calling. He was perfectly aware that in dealing with the matters embraced in this Bill—namely, the questions of unseaworthy ships and of overloading—the Government were only dealing with a part of a very large question; but that part was by no means an unimportant part, and they felt that it was better to confine themselves to it for the present rather than to extend the area and operation of the Bill to a large extent. Discipline, wages, advance notes, insurance, and other matters of a kindred character were branches of the question on which, no doubt, legislation was much needed; and he was far from saying that it

would not be the duty of Her Majesty's Government to take them into consideration at a future time if they should be fortunate enough to carry through Parliament in the present Session the Bill which now stood before their Lordships for second reading. He was aware also that in the opinion of some persons it was advisable to consolidate all the Acts relating to Merchant Shipping; but he could not help thinking that a Bill by which that consolidation might be attempted—involving as it would the consideration of some 700 or 800 clauses—would open up many points on which great difference of opinion would be found to exist, and consequently that to embark in such an undertaking at present would be to seriously endanger the passing of any measure relating to the subject during the present Session. Their Lordships would bear in mind that though this Bill had been carried through the other House with all the despatch possible in so grave a matter, and on which there had been so many and such lengthened discussions, it was now the 23rd day of June when he was moving the second reading in their Lordships' House. Again, he thought he was quite justified in saying that no subject required greater caution in legislation than this of our Mercantile Marine, in which so many interests were mixed up, and which so concerned the trade and commerce of the country. Certain statistics would show their Lordships and the country the magnitude of the capital and labour embarked in our shipping trade. First as to the value of the Imports and Exports for the year:—In 1875 the total value of Imports and Exports into and from the United Kingdom was:—Imports—merchandise, £373,939,577; gold and silver, £33,264,789. Exports—merchandise, British and Irish produce, £223,465,963; Foreign and Colonial ditto, £58,146,360; gold and silver, £27,628,042. Total, £716,444,731. The total tonnage of shipping entered and cleared, with cargoes and in ballast at ports in the United Kingdom in the foreign trade and in the coasting trade was:—Foreign Trade—Entered, 19,039,928 tons cargo, 3,653,238 tons ballast—together, 22,693,163 tons; cleared, 20,413,739 tons cargo, 3,169,936 tons ballast—together, 23,583,675 tons. Coasting Trade—Entered, 22,944,265 tons cargo,

10,968,737 tons ballast—together, 33,913,002 tons; cleared, 20,674,934 tons cargo, 8,906,654 tons ballast—together, 29,581,588 tons. Total, 83,072,866 tons cargo, 26,698,562 tons ballast—together, 109,771,428 tons. The number of men in British ships in 1874, the date of the latest Return, was 203,606. This was exclusive of masters. If the frequency of the voyages made by some ships was taken into account, the number of men annually exposed to the dangers of the sea was very large indeed. He might remark that in 1872 the number of emigrants was 251,871; and, besides, there were the ordinary passengers not included in any of these Returns. Parliament possessed one great advantage in dealing with this subject arising from the fact that the question itself was entirely removed from the arena of Party conflicts, and they could approach it with a freedom of consideration which they were not always able to apply to questions which excited strong political feeling. It had long been a subject of legislation by every Party that had been in power. Commencing 40 years ago, successive Governments had introduced Shipping Bills. In 1836 a Committee was appointed to report on the cause of Wrecks, and in 1843 there was another Committee on the same subject, most of whose recommendations had been since carried out. In 1846 there was important legislation as to wreck and salvage, and as to the survey of steamers. In 1847 and 1848, and 1849 the Emigrants and Passenger Acts were amended. In 1849 the Navigation Laws were repealed; in 1850 the Marine Department of the Board of Trade was established; and in 1852 the Emigrants Acts were consolidated. In 1854 a most important measure of consolidation was brought in by the noble Viscount opposite (Viscount Cardwell) and carried through both Houses. Subsequently, that Act was amended in consequence of the Report of Mr. Lindsay's Committee; in 1867 Mr. Milner Gibson brought in a Bill; and in 1867 the Board of Trade introduced a measure for providing crews with better accommodation on board ship. In 1868 he himself had a Consolidating Bill drawn and prepared, but the country was deprived of his services before he could carry it through. And here a sense of

justice prompted him to bear testimony to the readiness with which the Permanent Secretary (Mr. Thomas Henry Farrer) and staff of the Board of Trade carried out as far as in them lay every effort in the direction of affording greater security to the lives exposed to sea risks. He did this because he had read most unjust charges of red-tapeism which were levelled against these gentlemen. Well, in 1871 the noble Lord opposite (Lord Carlingford) brought in and carried a small measure. In 1873 the publication of a remarkable book by Mr. Plimsoll on the Mercantile Marine and on Shipwrecks and other casualties by sea led to the issuing of a Royal Commission; but without waiting for the Report of that Commission the noble Lord brought in and carried a Bill, to which, had the feelings of the country not been excited on this subject, it might have been difficult for him to obtain the assent of Parliament. In 1874 the Royal Commission reported; but there was no time for any legislation in the Session of that year. He now came to 1875, when his right hon. Friend the President of the Board of Trade brought in a measure which he was unable to carry in its entirety. That fact having been perceived in time, his right hon. Friend towards the close of the Session of 1875 introduced a smaller Bill—one dealing with some of the more important points on which legislation was required. That Bill passed into an Act; but the Act was only temporary in its character—it would expire on the 1st of October in the present year. The experience of its working had proved of great advantage to the Government in the preparation of the present Bill, which repealed the Act of 1875 and also repealed so much of the Acts of 1871 and 1873 as related to unseaworthy ships. The Bill now under their Lordships' consideration would contain the whole of the law relating to unseaworthy ships. Its first important clause was Clause 4, which re-enacted in a permanent form a provision of the Bill of 1875, and laid down the principle that it was a breach of the Criminal Law for any one to send or to attempt to send to sea a British ship in such unseaworthy condition that the life of any person was likely to be thereby endangered—to do so was declared a

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misdeemeanour. Although it might be true that there had not been a great number of convictions under that provision in the Act of 1875, the clause might have been very beneficial in its deterrent effects. Clause 5 provided for the obligation of the shipowner to the crew that he would use all reasonable means to insure the seaworthiness of the ship for the voyage contemplated:—it made that obligation a part of every contract, whether express or implied. The clause, consequently, gave the relatives of a lost crew a right to proceed under Lord Campbell's Act. Clause 6 gave the Board of Trade power to detain ships if, by reason of the defective condition of her hull, equipments, or machinery, or of improper loading, a ship was unfit to proceed to sea without danger to human life, and prescribed the mode of procedure in respect of detention. By Clause 7 a new Court, called a Court of Survey, would be constituted, to which the owner or master of a ship detained might promptly appeal against the action of the officers of the Board of Trade. The establishment of this Court would get rid of the delay which arose in getting certain cases heard by local Courts of Admiralty. Clause 10 would make the Board of Trade liable to the shipowners for damages and costs for unjustifiable detention of a ship. Clause 11 was an important one. Up to last year the only means by which seamen could raise the question of the unseaworthiness of a ship was by first deserting her. Clause 11 would enable them to make a complaint, and have the seaworthiness of the ship inquired into, without any such process; the complainant giving security for costs. Clause 13 remedied a wrong which had been sometimes experienced. By the Merchant Shipping Acts and the Passengers Acts, passenger or emigrant ships could not proceed to sea without certificates of the proper officers as to their sufficiency in every respect required by those Acts; and these certificates had sometimes been refused: this clause gave to the shipowner a right of appeal to the Court of Survey constituted by the Bill. Clause 14 empowered the Board of Trade to refer difficult cases, on appeal, to scientific referees. Clauses 15 to 18 contained special provisions in relation to passenger steamers and emigrant ships.

Clause 19 contained a provision respecting the stowage of grain cargoes similar to those contained in the Act of last year; and Clauses 20 and 21 contained provisions of considerable importance with regard to deck cargoes. Clause 20 provided that if any British or foreign other than home trade ships, as defined by the Merchant Shipping Act, 1854, carried as deck cargo, timber, stores, or other goods, all dues payable on the ship's tonnage should be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods at the time at which such dues became payable. Clause 21, which imposed a penalty on ships carrying deck loads of timber in winter, was not in the Bill when first introduced in the other House. The point with which it dealt was one of considerable difficulty, and the Government were rather unwilling to touch it; but it was suggested that the difficulty might be overcome, and it was urged, and not unreasonably, that as the Canadian Legislature had found itself able to deal with it, Her Majesty's Government might deal with it in the same way. Accordingly, the Government framed a clause strictly in accordance with the Canadian precedent. In the Canadian clause an exception was made in favour of deck loads only 3 feet high and composed of light timber. The Government introduced that exception in Clause 21, and on one division maintained it: but on a subsequent division it was struck out by a majority of 18 or something like that: therefore, the Government were not responsible for the clause as it at present stood. Clauses 22, 23, and 24 provided that there should be deck and load lines; but, following the Report of the Royal Commission, they did not define what that line was to be—that was left to the shipowner. Clause 25, making the provisions of this Bill as to detention applicable to foreign ships, was inserted during the passage of the Bill through the House of Commons. It was resolved to put British ships and foreign ships loading in British ports under the same regulations as to overloading. Accordingly, this was inserted; but a sub-section of the clause provided that when a foreign ship had been provisionally detained for over-loading a copy of the order or provisional order of detention should be served on the Consular



officer of the State to which the ship belonged, who might appoint a person to inspect the ship in company with the officer of the Board of Trade. If they agreed the ship would be released or detained as the case might be; if they differed the action of the Board of Trade was sustained, but an appeal was given to the master or owner to the Court of Survey. Subsequent clauses appointed Wreck Commissioners for investigating shipping casualties, and gave powers for the summoning of assessors in cases where special knowledge was required; and laid down rules of procedure. The powers of the Commissioners were extended to inquiries into cases of stranded or missing ships. Among the "Miscellaneous" clauses he might mention two—the 33rd, which provided that if the Government of any foreign State was desirous that any of the provisions of the Merchant Shipping Acts, 1854 to 1876, should apply to the ships of that State, Her Majesty might by Order in Council direct that they should so apply:—and the 34th, by which the Act was declared not to apply to ships on inland waters of Canada. The principle of the measure was to provide, as far as possible, for the security of the ships engaged in the commerce of this country, without relieving the shipowner of the responsibility of seeing that his ship did not go to sea in an unseaworthy state. These were the principal enactments of the Bill. He did not wish to exaggerate the probable effects of this legislation; but he thought he was justified in hoping that as it was framed after the Government, Parliament, and the country had given such long and earnest attention to the question, it would considerably mitigate the avoidable dangers of the sea without doing injury to or unnecessarily interfering with the shipping trade and the commercial interests of this Kingdom.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Lord President.*)

LORD CARLINGFORD said, there was little to be said about the Bill, important as it was, because, so far as it was directly intended to protect life at sea, it substantially embodied the provisions of the temporary Act of last year. When that Act was under consideration in their Lordships' House he took the

liberty of expressing an opinion that there was no reason why it should not be a permanent measure. He was glad the Government had proceeded on the same lines as those on which that Act was framed, and had not proposed a general and compulsory survey of all ships. The Royal Commission went into the merit of the two systems, and gave its approbation to that adopted by the late Government. He agreed in the noble Duke's estimate of the value of certain improvements introduced by the Bill, especially that giving a ready and competent Court of Appeal, and that appointing Wreck Commissioners with enlarged powers of inquiry. With respect to the question of survey, he should like to call attention to the provisions as to costs and compensation in Clauses 10 and 11. As the Bill now stood, in a case in which it should be decided that a ship was, as a matter of fact, not in an unsafe state, the Board of Trade would be liable to all the costs and to compensation for detention. If he was not mistaken, that was not the form in which the clauses were originally introduced by the Government. It was obvious that it might be the duty of the Board to detain a ship for any reasonable and probable cause, and yet that the result of the inquiries might be that, as a matter of fact, the ship was not so unsafe as to warrant her detention under the Act; but it did not follow that the Department of the Executive which performed that duty should be bound to pay the whole cost and the whole compensation for that detention. He thought it a question whether that was not going too far, and whether it would not hamper the hands of the Board of Trade. Under Clause 11, relating to complaints made by sailors of the unseaworthiness and danger of their ship, if the complaint turned out to be inaccurate, and that the ship was not at the time of such complaint unsafe within the meaning of the Act, the complainant would be liable to pay to the Board of Trade all such costs and compensation as the Board had incurred. But he thought the sailors should not be liable to pay costs and compensation in a case where there was reasonable and probable cause for detention, although in the end it might turn out that the ship was not so unsafe as to warrant her detention. This was a most important matter under this measure

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than it was under any former Act, because the newly-constructed Court of Appeal, if it were brought into operation, would inevitably create many causes of delay and large claims for compensation, which might be much greater than the costs of the proceeding. He thought the Government would do well to modify this part of the Bill by inserting that this liability should not be incurred except where the complaint was made and the ship detained "without reasonable and probable cause." He now wished to say a few words as to that part of the Bill which dealt with foreigners and with the Colonies. Foreigners were affected by the Bill in two ways—and he might say at once that, whether right or wrong, that was an extremely novel piece of legislation. As far as he knew, it was quite unknown to our law, and he thought it likely to raise many doubtful questions. The Government would probably admit that the clauses dealing with foreigners were not introduced into the Bill with the object of saving life on board foreign ships, because the Government could not feel responsible for the lives of foreign seamen. These clauses were introduced entirely for the sake of putting upon a foreign shipowner a weight similar to that which was put upon his British rival. A foreigner was affected by the Bill in two ways—first, when he attempted to leave a British port in a ship overloaded or improperly loaded; and, secondly, when he came into a British port with a deck load during certain months in the year, or exceeded the limits laid down by the Bill. The case of leaving a British port seemed to him to be less difficult than the others, but he could very well conceive that officials of the Board of Trade would find considerable difficulty in using the powers entrusted to them, and that international complications might arise. If we imagined what was likely to happen—namely, the detention of an American ship at Liverpool, while a British ship at that port was allowed to proceed on her voyage, he believed that international difficulties would arise, and he should like to know what view the Foreign Office and the noble Earl (Earl Derby) took of that matter. In the case of a foreign vessel arriving at a British port the difficulty would be still greater. There the offence created by the Bill was an offence committed in the foreign country where

the ship was loaded. The date adopted, prohibiting deck loads between the 1st October and the 16th March, was particularly open to question. It was taken from the Canadian Act, and might be correct in relation to the Atlantic trade; but it certainly was not correct in regard to trade with Norway and other European countries. It was imagined by some persons that the Imperial Parliament had not still a legal right to legislate for the Colonies; but the result of the very able controversy which had been carried on in the public Press more than in Parliament, and which he presumed no one in that House would attempt to revive, had shown that it was illusory to suppose that the Imperial Parliament did not still possess a right to legislate for the Colonies. He doubted whether Canada wished to deprive her ships of the enormous advantages which they now possessed as British ships. But while the right of the Imperial Parliament to legislate for Canada was undoubted, the exercise of that right was a very different thing. It was a right which should be exercised only with the greatest caution. With regard to deck loading, the Canadian law, which till now we had looked up to with satisfaction and admiration, was satisfied with saying that deck cargoes from the 1st of October to the 16th of March should be prohibited, save and except deck loads not exceeding 3 feet high and consisting of light timber. That Act had been in operation for some time, and he was informed that ships built and loaded in accordance with its provisions were perfectly safe. This was the original provision of the clause; but in consequence of the defeat of the Government on this proposal, as mentioned by the noble Duke, the clause had assumed its present shape, and our law came into direct collision with the law of Canada on this matter. Such a conflict of laws should not be allowed to arise without such a necessity as he did not believe existed in the present case. He hoped the Government would amend the Bill in this particular. He wished to know how Clause 31, which authorized the detention of overladen ships, was to be enforced in foreign ports where no machinery for carrying its provisions into effect existed. The clause enabled certain officers to detain a ship, and if the master proceeded to sea in defiance of such intervention he

was liable to a penalty of £100. How was a detention abroad to be followed by the same consequences that would arise at home? He did not see how the enactments could be made applicable in foreign ports. He also desired to point out that there were many vessels which sailed as British ships employed in foreign commerce which never touched at a British port at all, and which were chiefly manned by foreign seamen; and he failed to understand how the provisions of the Act were to be put into force with regard to vessels of that character. In his opinion the noble Duke had in no way exaggerated the importance of the questions which came either within or without the Bill; and while he by no means complained of the Government for not having found it possible to deal with the questions which were without the measure, and which were almost if not quite as vital to the safety of our ships as those which were within it, he was glad to hear that the Government had those questions, especially those that related to the character and the discipline of the crews, the system of marine insurance and of advance notes, under their consideration. He need not detain their Lordships longer than to express his great hope that the life-saving clauses of this Bill would be zealously administered by the officials of the Board of Trade, and that the Department would be sufficiently supplied with officers competent to discharge the duties cast upon them, which, if properly performed, would do much to diminish the cases of unseaworthiness and the loss of life which had sometimes thrown disgrace upon the general high character of the British Mercantile Marine.

LORD HAMPTON expressed his great satisfaction that the Government had introduced this Bill; and he earnestly hoped it would become law without delay. He agreed, however, that the clauses regarding deck loads would require very careful consideration. The clauses referring to deck load and load line were of great importance; but he thought that these also would in Committee require careful consideration. As they now stood he was afraid they would be of hardly any value.

THE DUKE OF SOMERSET congratulated the Government upon having introduced this measure, and on having been able to bring it up to that House.

*Lord Curlingford*

He thought they had acted most wisely in leaving the questions of marine insurance and discipline for future consideration, because had they attempted to deal with such large subjects by the present measure they would have greatly complicated the matter and delayed the passing of the Bill. The provisions of the measure, if properly carried out, would undoubtedly do much to improve the seaworthiness of our ships; but, at the same time, he must state that he had received Petitions for presentation to that House from many of the leading steamship owners—very respectable men, possessing over 800,000 tons of shipping—in which they objected very strongly to the terms of the 4th clause, which made the sending unseaworthy ships to sea a misdemeanour. They objected that the clause introduced a novel and entirely objectionable principle into our laws, inasmuch as that by its terms a man might be held criminally responsible, notwithstanding he had been guilty of no personal negligence. He thought those gentlemen had fair ground for their complaint, because he had always understood it to be a grand principle of law that it was for the accuser to prove the guilt of the party charged with an offence, and not that the accused should be called upon to establish his innocence; and the Petitioners said that such exceptional legislation as to shipowners could only be justified by some very extreme necessity. It was admitted that the great body of shipowners were upright and just dealing men, who by their enterprize and intelligence had added much to the prosperity of the country. He trusted that when the Bill got into Committee it would be considerably modified in this respect, because as it now stood it certainly appeared to be very unfair. The provision relating to foreign ships, he thought, should have formed the subject of Treaties, or at least should not have been introduced into this measure without previous arrangements with foreign States. With regard to Canada, which had raised a strong objection to the application of the Bill to them, it was well known that the inhabitants of the Dominion possessed an enormous amount of shipping, and it was, therefore, of very great consequence that nothing should be done by the Imperial Parliament that could interfere

unduly with the interests of Canadian shipowners. He did not deny the power of Parliament to legislate as it pleased on the subject, but he strongly deprecated the adoption of any course which could have the effect of compelling Canadian shipowners to transfer themselves and their capital to the United States of America. He could not help fearing that the clause in the Bill which dealt with this branch of the subject was drawn not so much with a view to save life as to gratify the jealousy of English shipowners in reference to the shipping business carried on from Canadian ports. The clause, which implied the application of the Bill to Canadian shipping other than that in inland waters, had been introduced somewhat hastily in the other House, and he hoped it would be carefully considered in Committee. His only desire was that the Bill should receive full and fair consideration in order to its being passed during the present Session. He should not, therefore, take up the time of the House on several points of detail which he thought deserved consideration. One of these points was the granting of advance notes—a system which he could not but regard as injurious and mischievous alike to shipowners and sailors; but, under all the circumstances, he thought it best to defer bringing the question before Parliament until some future time when the whole subject of discipline in the Navy might have to be discussed.

THE EARL OF CARNARVON said, that nothing could be fairer than the way in which the Bill had been commented upon, and nothing could be more satisfactory than the general measure of approval with which it had been received by the noble Lords who had preceded him in debate. Several of the questions which had been raised by the noble Duke (the Duke of Somerset) would be better dealt with by the noble Lord upon the Woolsack than by himself; but he would draw attention to that very large Colonial question which had been touched upon by the noble Lord opposite and by the noble Duke. The noble Lord was perfectly right when he said that this Bill affected not only British ships, but those of Canada also; but whilst there were serious considerations in reference to humanity, there were also considerations almost as important on the other hand. The ques-

tion that had been raised would affect the whole Dominion of Canada, with its 4,000,000 of population, and it was most difficult to bring to one's mind how large a stake the Dominion had in this matter. His noble Friend opposite who preceded him in the Colonial Office (the Earl of Kimberley) would remember perfectly well what the condition of Canada was in 1867 as compared with the state of things that existed now. Canada had since that time grown largely in wealth and power, and in everything that created national prosperity. It was now one of the largest shipowning countries in the world. It had about 1,200,000 tons of shipping, worth from £7,000,000 to £8,000,000; and there were also 1,000 shipmasters, 2,000 officers and not less than 20,000 seamen. These figures were also year by year steadily growing. Canada was a colony of whose commercial marine this country might be justly proud. He was also satisfied that, whether they looked to public men or to private individuals, the Canadians were equally proud of their connection with this country. He had watched with great satisfaction the course that had been taken in Canada with regard to this particular question. It had been his duty to read every word of the debates which had taken place in the Canadian House of Commons, and he could bear testimony not only to the ability, but also to the extremely good and loyal feeling which had been displayed. They were above all loyal. Though they felt that their interests had been injuriously affected by certain parts of this measure, there never had been the slightest doubt that the English Parliament and Government would accept every reasonable objection, and deal with the matter fairly and reasonably. The conduct of the Canadian Government also had been loyal in the highest degree; and when questions had been raised which it would have been undesirable to discuss they, with temperance and forbearance, put them aside for the time and dealt with Her Majesty's Government upon the best footing. He would not say that there were not difficulties connected with the question, but he was satisfied that with patience and forbearance on both sides, all those difficulties were susceptible of solution. Some misapprehension was, he thought, entertained as to the scope

SIR MICHAEL HICKS - BEACH said, the Amendment was proposed in order that the understanding arrived at on the previous night should be carried out. Reasons were given showing that £45 was too high for all classes, and it seemed to him desirable that the same qualification should be adopted throughout. He preferred £45, but there was a strong feeling the other way. The difference between £45 and £40, however, was not one of principle, but one on which hon. Members had as good means of arriving at a decision as he had himself.

SIR EARDLEY WILMOT said, he sympathized with his hon. Friend the Member for Carlow, and thought he was quite right in protesting against the attacks made upon him on account of the course he had thought it his duty to take respecting this Bill. It must be remembered that the hon. Member for Cork had delivered a long speech to show that the qualification ought to be reduced below £45, but he failed to convince the Committee, which had decided by a large majority against his proposal.

MR. MITCHELL HENRY said, he did not think hon. Gentlemen opposite had any ground for feeling dissatisfaction, because dissatisfaction was equally felt on his own side of the House. They on his side did not wish for the £40 qualification. On the contrary, they wished that the law should remain as it was at present, at a qualification of £30. Never, he ventured to say, had a change of so great magnitude been proposed without more information being given as to the ground of the change. With regard to the reasons for adopting £40 instead of £50, the hon. Member for County Cork (Mr. Downing) gave figures and statistics which were irrefutable, and could not have failed to convince the majority of the House, had they waited to listen to the argument. No doubt a large majority had voted against that proposal; but many of the hon. Members composing it had voted without hearing the discussion, and had mostly given a Party vote in order to back up the Government in their proposals, and thus a large majority was made up against those who represented the Irish people. The qualification had been raised from £30 to £40 without any reason being adduced. Nothing

was more grievous than that jurors should refuse to obey the law laid down by Judges either at quarter sessions or Assizes, but he could not agree with the hon. Gentleman opposite that, in disagreeing to a verdict in a doubtful case of murder, the Irish jury he referred to did not act properly.

MR. M'CARTHY DOWNING said, he had hoped the discussion on the subject had ended on the previous evening. He was sorry to hear the observations of the hon. Member for Carlow (Mr. Bruen). The right hon. Baronet the Chief Secretary thought it would be a fair compromise to accept £40 when he (Mr. Downing) moved to omit the five from £45. The hon. Gentleman the Chairman was under the impression it was challenged, and but for the mistake the whole would have been over in a short time. He was glad to find that those who supported the Government approved of what had been done, and admitted that the facts brought forward were not answered by the Government or by any one on their side of the House.

MR. HERMON protested against the statement that hon. Members on that side had voted on the question without understanding it. He for one had listened, as he always did, most attentively to the arguments of the Irish Members when speaking on the affairs of Ireland, and it was unjust to charge him with unfairness. He objected to being lectured by the hon. Member for Galway (Mr. Mitchell Henry) merely because he had voted in accordance with his own convictions and had not been deferential to those of the hon. Gentleman.

MR. ASSHETON said, that he also had listened to the debate, and had arrived at the conclusion that either the Irish Members were wrong in fixing £40, or the House was wrong in fixing £45.

MR. BUTT thought the hon. Member for Preston (Mr. Hermon) should not have taken to himself the observations of the hon. Member for Galway (Mr. Henry), who did not accuse hon. Members opposite of refusing to listen to Irish Members, but simply stated the fact that a number of hon. Gentlemen did come into the House last night and vote upon the question who had not heard the debate.

MR. BIGGAR said, the practice to which the hon. Member for Galway (Mr.

referred was not confined to questions, but applied equally to Scotch and English Business. As a matter of fact there were at least 46 Members who voted in the majority last time, but he did not hear the arguments. He knew he himself had often voted against the Bill, knowing anything of the substance of it was not a very moral thing to do. He maintained that, whatever the faults of Lord O'Hagan's Bill, it was entitled to the highest rank in his Jury Bill.

Amendment agreed to.

Bill substituted.

**MICHAEL HICKS - BEACH**

wished to make an unusual appeal in respect to the Bill. The law in Ireland relating to the election of jurors was of a temporary character, and would expire on the 1st of July. It was therefore essential that the Bill should come into operation on that day. It had yet to pass through the House of Lords, and in order to do so would be a great assistance if the Bill would give a third reading on that day at the present moment.

**MITCHELL HENRY**: On that point there should be full opportunity for considering the Procedure

**MICHAEL HICKS - BEACH**: Yes.

Motion made, and Question proposed, That the Bill be now read the third time.—(*Sir Michael Hicks-Beach.*)

**BRUEN** said, he was glad that the necessity for the immediate passing of the Bill had given the advantage of giving them to discuss another Irish Bill at a reasonable time of day, and he intended to ask the Government (for the Chief Secretary was not present) whether they could not give good time on other Bills. Irish Members would be very busy if their business could be continued at a time when they were not fully worked out. Shortness of time, he did doubt, much to do with the way in which the question was decided on the previous day. If more time had been given they would not have taken a particular figure, and in the end the moment turned right-about-face and reversed the decision.

**SIR GEORGE CAMPBELL** said, he would be glad to join in the application on behalf of the Scotch Members, provided that the Irish Members did not take the lion's share of the time. He hoped the Government would consider the proposition, and give as many Morning Sittings as possible to Scotch and Irish Business.

Question put, and agreed to.

Bill read the third time, and passed.

SUPREME COURT OF JUDICATURE (IRELAND) BILL.—[*Lords.*]—[BILL 161.]  
(*Mr. Solicitor General for Ireland.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Solicitor General for Ireland.*)

**MR. BUTT**, in moving, as an Amendment—

"That, in the opinion of this House, it is desirable that in any Bill intended to constitute a Supreme Court of Judicature in Ireland the rules of procedure should be settled and defined in the Act constituting the Court, in the same manner and to the same extent as they have been in the Acts constituting the English Court,"

said, he was sorry to interpose at that stage of the Bill, as his Amendment might lead to some inconvenience and delay the Bill; but he felt it incumbent on him to bring the matter before the House. He must say he did not think that those who had had the framing of the Bill had given the whole question the thought and consideration which it required or deserved. Their purpose was apparently to assimilate the law of England and Ireland, but they had left out of this Irish Bill several of the clauses which were passed in the Supreme Court of Judicature (England) Bill. He did not think the different circumstances of the two countries, and the difference in the character of the tribunal, had been sufficiently considered and appreciated by the framers of the present measure. The English Act, the passing of which had been postponed for the purpose, laid down the most minute and particular rules in regard to almost all the matters requiring regulation, leaving merely a few insignificant matters of

detail to be dealt with by the Judges. After the Act passed, no doubt, the Judges of the Supreme Court had power to make alterations in the rules. But making alterations in the rules embodied in an Act of Parliament was a very different thing from the power to make the rules themselves *de novo*. Now in this Irish Bill there was not a single rule laid down. Everything was left to the discretion of the Judges in a very different manner from what it was by the English Act. So great was the discretion left to them, that there would be nothing to prevent them, if they thought fit, from abolishing trial by jury. He asked why one rule should be applied to England and another to Ireland? Why was this Bill reduced to the merest skeleton, to be clothed with flesh and muscle in whatever town the Judge might think fit? Past experience, either in England or in Ireland, should not encourage them to leave so much power in the hands of the Bench, for it had been shown, in several instances, that it was not wisely exercised. They had now an instance of its abuse recently in 1869. A Bankruptcy Act was passed, intended to prevent any man availing himself of the protection of bankruptcy except at the instance of his creditors. The Act, however, gave power to the Judges to make rules of procedure, and they made rules which entirely defeated the main object of the Act, so that the present Government had now felt it necessary to introduce a new Bill on the subject. The Judges were really the worst legislators in the world in matters of this kind; and there was truth in the old axiom—that one of the elements of safety was to keep the judicial and the legislative functions separate. One reason why that separation should be made was, that he thought it very probable that the Judges would fall below the point, in many cases, to which the House of Commons would be inclined to go. There were most important differences at present between the English and Irish procedure, and they ought not to leave it to the Judges to say whether these differences should continue or not. In England a very large number of matters were disposed of by what was called summonses at Judge's Chambers, in which no counsel were required to appear, suitors being represented by solicitors or solicitor's clerks, which

beside economizing judicial strength was a great convenience and saving to suitors, whereas in Ireland it was necessary for every application, however trivial, to be made to full Court by counsel. Now ought it to be left to the Irish Judges to say whether that system should be kept up? There were other questions involved in this discussion. There was a great demand for the reduction of the Irish Judicial Staff, and while giving no opinion as to whether or not the Staff was at present too large, he wished the House to consider the difficulty of coming to a decision on that point, until they knew what the rules of procedure were to be, and whether the motions were to continue to be disposed of in Court, with the time and expense involved through counsel being engaged, or whether they were to be disposed of in Chambers as in England. That would make all the difference. Another important question involved was that of venue. At present a large number of cases were brought to Dublin for trial, with which Dublin had nothing to do. Of all the cases tried there last term only one directly concerned the City of Dublin. Were they to allow the practice to continue in Ireland, destroying, to a great extent, the local administration of justice at the Assizes, the preservation of which he regarded as of the utmost importance? If they were to get rid of those foreign trials in Dublin it was perfectly obvious that the judicial duties in Dublin would not require the same number of Judges as now. All these matters had a bearing on the question of what number of Judges was necessary, and he was not one of those who wished to maintain a large number of Judges merely for the sake of giving patronage to the Irish Bar. He considered, on the contrary, that patronage had been a curse to the Bar. Not, however, until the Judges's rules were framed, and they knew what the Courts had to do, could they decide as to the number of Judges that ought to be kept up. He thought those matters and rules ought to be decided on in the House of Commons, instead of leaving them, as they were left, in this skeleton Bill to the Judges, who might be influenced too much by a regard for the interests of the Bar and the Bench. It was of very great importance to maintain an independent Bar, and these rules

*Mr. Butt*

might vitally affect that question. The point to which they must look was the diminution of the large number of counsel now employed in some Irish cases. He repeated that the Bill proposed to leave too much to the Judges. It might either do nothing, or else a great deal more than was wanted. Parliament ought to settle the rules for Ireland as they did for England. He regretted having to refer to matters of detail, which, it might be said, ought to be dealt with in Committee; but if he were to undertake to propose in Committee all the rules he thought necessary, the Notices of Motion would be so numerous that he was afraid there would be little chance of their being discharged that Session. Even as it was, he would not bind himself not to propose those rules in Committee; but he trusted that the right hon. Gentleman would avoid any such inconvenience by promising to introduce rules into the Bill. If he would promise that, he (Mr. Butt) would withdraw the Amendment. After all, what was the hurry for the Bill? Ireland did not want it; nobody asked for it. There were such measures as the Civil Bills Court Bill which were really pressing. Why not proceed with them? There was another strong reason for delay. Every day the English Bar, the Judges, and the public were complaining of the unsatisfactory character in many respects of the rules of the Supreme Court of Judicature, and he was told that the Judges had called a meeting to amend the rules. Why should not Ireland have the benefit of this revision, and the Bill be re-introduced next year? The effect of his Amendment was, that the Bill ought to be the work of Parliament itself, and not the work of the Irish Judges. He had as much respect for the Irish as for the English Bench, but declined to entrust to them the task of legislating, which belonged to Parliament itself. The Bill should not be a faint copy of the English clauses, many of which were inapplicable, while everything else was left to the Judges, and he hoped that on all these grounds the House would adopt the Amendment which he now submitted to their notice.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that in any Bill intended to constitute a Supreme

Court of Judicature in Ireland the rules of procedure should be settled and defined in the Act constituting the Court, in the same manner and to the same extent as they have been in the Acts constituting the English Court,"—(Mr. Butt.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, his hon. and learned Friend had as usual made a very able speech; but having heard it he could not but look forward with feelings of gloom to the difficulties of passing during this Session a measure, which was certainly desired very earnestly by large classes in Ireland, who wished to have the benefit of the same reforms in Judicial procedure as had been adopted in England. Knowing the power of obstruction possessed by his hon. and learned Friend in that House, he was afraid that if he continued to deal with the Bill in the same spirit as he did now, there was not a very brilliant prospect of passing it this year. He would, however, put it to his hon. and learned Friend that he should, at all events, allow the Government, in Committee, to explain the points to which he had taken objection as the Bill went along. It would then be seen that the difficulties and dangers he had conjured up were not substantial. His hon. and learned Friend complained that rules of procedure and practice were not introduced in a Schedule of the Bill, as was done in the English Acts, and he had spoken of those rules as if they were the product of the mind and wisdom of Parliament, and were, to a great extent, the result of debates in the House of Commons. Nothing could be more opposed to the fact. Some rules, no doubt, were introduced in the English Bill of 1873, and were adopted by the House of Commons; but they had been very carefully prepared beforehand mainly by the Judges—the very class of persons to whom it was now proposed to entrust the preparation of the rules for Ireland. What was done then? Again, in the English Acts, although the rules were inserted in them, power was given to the Judges to enlarge, modify, and alter them, subject only to the condition that any alterations or additions should



be submitted to Parliament. His hon. and learned Friend, in dealing with this subject, was not quite so accurate as he usually was, for he overlooked the fact that the clauses in which it was proposed to give the Judges in Ireland the power to frame rules were almost exactly the same, word for word, as the corresponding provisions of the Act of 1873, and the Act of 1875. If his hon. and learned Friend compared this Bill, section by section, with the English Act, he would find that the words employed were for pages nothing more than a reproduction of the words of the latter. The whole frame of the Bill was a combination of the Acts of 1873 and 1875. Ireland would have the advantage of the precedent of the English Acts, the advantage of the rules which had been framed in England, and, what was no small matter, the advantage of the additional experience of six months which would elapse before the rules need be finally settled. Unless his hon. and learned Friend was enough of a Tory to hope to postpone an Irish Judicature Act until the English Judicature Act was repealed, the best thing was to have as soon as possible an exact unification of the two systems. His hon. and learned Friend feared the Judges might make rules which would deviate from the policy of the Bill, and prevent its being any good to the country; but he would remind him that the rules in the English Act were framed by the Judges, and passed through Parliament with little discussion. He was bound to say that if his hon. and learned Friend asked him to bring into the House of Commons a Schedule corresponding with that of the English Act of 1875, and carry it through the House of Commons, especially if he and other Irish Members had not much sympathy with the measure, he would not have a chance of passing it within any reasonable limits of time. They would soon have a revolt of the Scotch Members, not only against English, but Irish Business, if they were thus to proceed slowly to elaborate a system of rules in the House of Commons. The only conditions laid down when power was given to the Judges to frame rules were that those rules should be laid on the Table of the House if Parliament was sitting at the time, and, if not, within 40 days after the next meeting of Parliament, and

that if an Address were presented to the Queen in opposition to any of the rules they might be annulled. That power would be a complete and sufficient safeguard against anything improper being done; but it was a very different thing from having the rules framed by the House. It seemed to him only reasonable to entrust the settling of the rules to the men who best understood the subject, reserving to Parliament the power of exercising supervision over what they did. He would not enter into other matters which his hon. and learned Friend had touched on, and which could be better dealt with in Committee. The Bill came down to them with considerable weight and sanction from "another place," and he desired to adhere to the lines there laid down; but he was not unprepared to consider in Committee the suggestions of learned and experienced Members on the other side. He therefore appealed to them not to approach the question with the intention of alaying the Bill by slow degrees, but to assist the Government, so that they might that Session pass an Act assimilating the Judicature laws of England and Ireland, and obtaining for their own country the benefits which had already been conferred upon England.

Mr. MELDON said, he had heard with regret the determination of the Government not to yield to the proposal of his hon. and learned Friend. He desired to see a Judicature Bill passed for Ireland, not that he believed any improvement had been effected in England by the Judicature Act, or was likely to be effected in Ireland by a similar measure. He wished to see a Bill passed for Ireland merely on the ground that the systems in England and Ireland should be unified. The course taken by his hon. and learned Friend opposite deprived the country of the sole advantage which could be derived from the passing of the Bill. In England certain rules and a definite system were introduced into the Act. By this Bill it was left open to the Irish Judges to deviate as much as they pleased from the system in England. He thought they ought not to pass any Judicature Bill for Ireland unless it contained a full and complete system of rules of procedure and practice; and he hoped that they would have one perfect and harmonious scheme for

the whole Kingdom. He admitted that in the case of England, as stated by his hon. and learned Friend the Solicitor General for Ireland, the rules as framed by the Judges were very little changed by Parliament last Session; but he asserted, on the other hand, that those rules had been pushed through the House almost with indecent haste, and that they were not ultimately such as they would have been if they had undergone due discussion. He should support the Motion of his hon. and learned Friend.

MR. SERJEANT SHERLOCK agreed with the hon. and learned Gentleman the Solicitor General for Ireland that the time it would take to discuss those rules in the House would infallibly lead to the postponement of the Bill till next Session. The Government had given a pledge that it was intended as far as possible to assimilate the rules of procedure and practice in Ireland to those of England; and next Session, when the new Code prepared by the Irish Judges was laid on the Table of the House, if it was found to be divergent from the system established in England, the House would have an opportunity of remedying the matter. If this debate had arisen in March, instead of in June, he should have supported the Amendment, but a fusion of Law and Equity having taken place in England, he thought it very important to the interests, not of the Bar or of the Judges, but of the public in Ireland, that the assimilation, which must eventually take place, should take place as soon as possible, instead of everything being left in doubt and uncertainty with different and contradictory systems at work in the two countries. He admitted that it would have been better if the rules had been scheduled, but he was not disposed to imperil the Bill on account of that omission, believing that the Judges were not likely to make rules merely for the convenience of the Bar without consulting the requirements of the public. If they did the interference of Parliament could be invoked, and if it were not done by anybody else he should not hesitate to call attention to the subject. He could not vote with the hon. and learned Gentleman the Member for Limerick.

MR. O'SHAUGHNESSY said, he sympathized with the object of the Bill

—the unification of procedure and the fusion of Law and Equity—and for that reason he would support the objection of his hon. and learned Colleague, fearing the efficacy of the Bill in its present shape. The House was asked to cast on the Irish Judges the responsibility it had itself discharged on the English Bill. Now, though very desirous of seeing a Bill of that kind passed, he insisted that the rules of procedure should be provided on the responsibility of that House. The Irish Judges were, no doubt, competent to frame rules and orders; but they might be disposed to stand too much upon the ancient ways, and, at all events, they should perform such a task under a full responsibility to that House and the country. While that measure was still in embryo, an eminent Irish Judge whom he would name—Mr. Justice Barry—had long since imposed on him the necessity of embodying the rules in the Act and relieving the Judge from the responsibility. The Act of 1853 had failed in producing a simple system of pleading, and the proceedings between Lord Justice Christian and other members of the Bench as to the rules of the Act of 1867 had been of a most painful nature, and sensibly affected the position of the law in that country. In order to avoid a defeat of the objects of the Act, there being really no hurry, he would rather see the Bill postponed, in order to give Parliament an opportunity of superintending the preparation of rules. The principal thing was to produce a perfect code, and even if two or three years were occupied in doing so he should not complain. The County Courts Bill was of more importance, and deserved attention first, in order to make legal redress accessible to the masses. He complained that the Lords, who had abundance of time at their disposal, sent the Bill down without the rules, and, on the whole, so much neglect had been committed in the progress of the Bill so far that it was necessary to be cautious.

MR. LAW did not believe there was the slightest danger of the Irish Judges exhibiting any of the eccentricities which certain hon. Members seemed to apprehend. In a communication which they had made to the Lord Chancellor, or, at all events, officially, and which had just been laid upon the Table of the House, they expressed the opinion that, for

many reasons, it was expedient as far as possible to have "identity of constitution, practice, and procedure in the superior Courts of England and Ireland." It was not too much then, he thought, to ask his hon. and learned Friend to place reliance on the Judges when they thus publicly express their opinions and determination to have a similar constitution and course of procedure in Ireland to that in England. It was provided, too, by the Bill, that the rules should be laid on the Table as soon as they were framed. What more was requisite? Surely this gave Parliament an adequate control over the Irish Judges. They must trust somebody. The House of Commons trusted to its legal Members, and it was not too much to ask the legal Members in turn to trust to this small extent the Judges, who were just as anxious as themselves to have identity of procedure. A good many of the other objections that had been made during the discussion were not of such a character as ought to interfere with the progress of the Bill. He hoped his hon. and learned Friend the Member for Limerick would, in the interests of the people of Ireland, which were greatly involved in their having a cheap and uniform system of procedure, withdraw his Amendment, so that some progress might be made with the Bill in Committee. If not, he should feel it to be his duty to vote against him.

MR. MITCHELL HENRY said, it was unfortunate that the Bill should have been read a second time without discussion, because that course had necessitated a discussion at an inconvenient time. He thought, however, that both sides who had listened to the discussion would see that there was something of much greater importance involved than the mere question of a Schedule of rules and of procedure. It was surely a very striking circumstance that an hon. and learned Member who was, and he (Mr. Henry) said it without flattery, accepted throughout the United Kingdom as one of the first law authorities in the country, and who at the Irish Bar held, if not the very foremost place, yet held a foremost place in conjunction with only one or two others, that he should feel it his duty to come to the House and entreat the House of Commons to postpone the Bill, not on matters of detail, but on matters of vital prin-

ciple. He hoped hon. Members on both sides would listen to the appeal. He believed there was in Ireland an amount of money paid in litigation which was out of all comparison with that spent in England and Scotland. That did not proceed from the magnitude of the fees paid to counsel, because he had more than once said that the fees paid to Irish counsel were inadequate, but it arose from the enormous cost to suitors, owing to the shocking condition of procedure. It was said that there were too many Irish Judges, and though his hon. and learned Friend had shrunk from stating that such was the case, he defied anyone who had listened to his speech not to draw that inference from it. He asked the House and the Government to lay down the principle that the English system of Chamber practice should be established in Ireland. There were an immense number of influences at work, but if they were to take away from the Courts Chamber cases, it would be found a very difficult thing to keep up the number of Judges, as those cases represented a great deal of business. He was of opinion that no one who had ever bought property in Ireland or made an investment there had failed to find that, by hook or by crook, he became involved in litigation. There was a great deal of speculative litigation in Ireland. He once bought some fisheries. They were not large ones, but the moment he was in possession of them a claim was set up which continued seven or eight years. It could not be got rid of. He would, with the permission of the House, narrate the story. He bought in the Landed Estates Court some fisheries. When he was comfortably in possession a gentleman disputed his right. The gentleman asked the Landed Estates Court for a judicial declaration. The case was heard in the Landed Estates Court after very great difficulty, and the House might be sure that great anxiety existed amongst the parties to the suit. The Judge made very light of the matter, and said he would make a declaration of title in favour of his (Mr. Henry's) adversary's right of several fisheries. He said to his counsel, "You do not seem to be attending to the case." The reply was—"Never mind, his decision is certain to be reversed, whatever it is." The case then went before the Judges in Appeal, and

they did reverse the decision. In doing so they expressed themselves in strong language, and indicated that the judgment would not have been known in an English Court of Justice. They directed an issue should be tried before a jury. After innumerable difficulties it was so tried by a jury in the county, and the decision was in his favour. Of course there was an appeal. That appeal came before the Court of Exchequer in Ireland. It was heard repeatedly. Days were fixed on which the appeal was to take place, but on every occasion when he and other litigants went down they found the way barred by little cases, which ought to have been settled in Judges' Chambers. The case went on, he might confidently say, for three years. It was then finally argued out, and just as the decision was about to be given one of the Judges died. The Court then directed the matter to be argued all over again, in order that they might have the opinion of a newly-appointed Judge. It was accordingly argued over again, and one of the Judges discovered a mistake. Being a black letter lawyer he found that a particular word had been wrongly translated in a document, which did not, however, turn out to be of very great consequence. A new trial was directed, and the witnesses all collected at the Assizes, but he then found that it would be better to compromise the matter, and the other side was also willing to do the same. He consented to arbitration, and an arbitrator was appointed, who gave his decision, and he had to pay a great deal more than the whole fisheries had cost. The fisheries were bought for £1,400, and the expenses were not less than £8,000 or £9,000 for both sides. What happened then? A proposition from his opponent was communicated to him by his own attorney, and he replied by saying that he preferred everything should be settled by counsel, because he had no confidence in the attorney on the other side. His own attorney sent his letter to the opposite attorney, who thereupon brought an action against him (Mr. Henry) for libel, and laid the damages at £8,000. That was a very serious matter. He asked his own attorney if it was not a confidential communication, and the reply was—"Oh, yes; but I asked you if you had any objection to me tell him so." He had no objection,

and therefore the communication was sent. The action was tried. It was a tremendous one. He (Mr. Henry) was not called to give evidence. He was defended by the hon. and learned Member for Limerick, and the learned counsel on the other side was annoyed that he was not called. While he was sitting down quietly in Court, the counsel of the other side began to abuse him and make comments on his personal appearance, pointing at him with his fingers. This was not stopped by the learned Judge; it was permitted. The jury returned a verdict that there was publication of libel, under the express direction of the Judge, and the jury returned a verdict of a farthing damages. Of course, in a very few days he was called upon to pay several hundred pounds of costs, and he did so at once. Then he came over to London. He met the right hon. and learned Member for Clare (Sir Colman O'Loghlen), who said that that was an extraordinary decision in your case. He (Mr. Henry) passed an Act through Parliament a few years ago providing that in any case in which an action was brought the costs should follow the damages—that was to say, your opponent having a farthing damages you ought to pay a farthing costs. He (Mr. Henry) said that was a new revelation. He caused a new application to be made, but the Judges said—"We believe it is so, but it is too late to remedy it," and it was not remedied. He had since found that the Act of Parliament had been overruled by technical regulations of the Judges themselves. The Act was consequently of no use. He asked if the House was going to leave to the Judges in Ireland the making not merely of the rules and deciding as to the procedure, but the settling of great principles. He asked the House to determine that the Court rules and procedure in Ireland should be assimilated to the rules in England, and thus to protect in some measure the unfortunate suitors, of whom he was only one example out of many.

Dr. WARD complained that notwithstanding the introduction of the Civil Courts (Ireland) Bill, by which it was proposed to cut down nearly half the judicial business so far as it was transacted by the Judges, the present measure would fix upon that country the existing judicial staff, which everyone

outside the Profession would admit was far too large for the work which it had to do. The real reason, he added, why there appeared to be so much legal business in Ireland was that a number of paltry, wretched cases came before the Courts there which in England were disposed of in Chambers. From the Returns it appeared that an ordinary English Judge sat on 205 days in the year between the hours of 10 and 4, whereas the average occupation of an Irish Judge was between 11 and 2 or half-past 2 o'clock, on 178 days in the year. The result of the Irish Judges having little to do and plenty of time to spare was that they were appointed to other posts and made Commissioners of Education, in which capacity their decisions were too often thought to be influenced by Party or religious considerations. At the time of the passing of the Church Act, for instance, Mr. Justice Lawson, who already received £3,500 as a Judge, was appointed a Church Temporalities Commissioner, with an additional salary of £2,000, and he was besides an Education Commissioner. As to the rules, they were the real essence of the Bill, but the framing of them had been left to the Irish Judges. With all due deference to the Irish Judges, he did not think they had so much reason to repose confidence in them and their public spirit and action as to trust the important matter of broad principle to them. There were, as he had said, too many Judges in Ireland. There were 20 Judges of First Instance against 24 in England; they were 12 Judges of Common Law against 18 in England. They had an Admiralty Judge and a Judge of the Court of Divorce. Practically they had two-thirds more Judges in Ireland—for doing what business? The total number of judgments in Ireland in 1872 was 4,481, whereas in England it was 23,554—exactly five times more. If they were to keep up such an enormous staff the Government would leave themselves open to the suspicion that they were keeping a great amount of patronage for unworthy motives, besides the system injured the Bar, and was prejudicial to the cause of public interest and public justice. He would urge the hon. and learned Member for Limerick to proceed with his opposition until he received some guarantee that the important power of

framing the rules should not rest with the Judges.

MR. MACARTNEY believed that the Judges in Ireland administered the law as carefully, as wisely, as impartially, and in as effective a manner as the Judges in England, no matter what politics or what religion might have brought them to the Bench. Indeed, it often occurred that Roman Catholics preferred to be tried by a Protestant Judge, because they thought the Judge would lean to their side in order to show that religion did not influence his decision. It appeared from the announcement made by the Irish Judges themselves that they would frame their regulations as much as possible in accordance with those in force in this country, and if hon. Gentlemen opposite wished to see that effected, it appeared to him they were taking the worst possible course for the purpose.

MR. GIBSON supported the Bill. The argument of the hon. and learned Member for Limerick was not one really against going into Committee, and he therefore urged on the Government to press forward the matter without delay. The English Act of 1873 empowered the Judges to make rules which were, in fact, fully prepared when the amending Act of 1875 was introduced, and were embodied in its Schedule, because otherwise they would not have come into full operation until six months later. As, however, no previous Judicature Act had been introduced with regard to Ireland, it would be necessary to entrust the Judges with the duty and responsibility of framing rules. When Mr. Justice Barry said he hoped the rules would be as closely as possible after the English rules, and when they found a Petition from all the Irish Common Law Judges on the Table to the same effect, he thought there was very little fear that the rules when framed would not be entirely in accordance with English precedent and English procedure. The hon. Member for Galway (Mr. Henry) had given them an exceedingly interesting narrative. It was true he had been unfortunate; but there was, they all knew, something not unpleasant in the misfortunes of one's dearest friends. But many people had managed to live in Ireland without ever having being involved in any litigation. It was very unfortunate that almost immediately the hon. Member put

his foot into Galway, that he should be involved in litigation. He must have bought a lawsuit. The moral to be adduced was, that a man should be very slow to buy a fishery in the county Galway. As for the Act, which laid down that the costs should not be higher than the damages, he might remark that it contained a clause enabling the Judge to certify that higher costs might be given; this power was exercised at the trial against the hon. Member for Galway, and the inference suggested was that the hon. and learned Member for Limerick did not look after the interests of his client. The statistics given by the hon. Member for Galway (Dr. Ward) had been often exposed, and did not throw any light on this subject. It was not fair to measure the work of the English Judges against the work of the Irish Judges, because the latter did all the work themselves, and were not helped like their English brethren by referees and arbitrators. Indeed, the Irish people would not be satisfied unless their cases were tried with the fullest sanction of publicity in open Courts. With regard to the administration of justice in Ireland by the Judges, he believed it was above all suspicion. It was true that the Judges there, before their elevation to the Bench, had held political views and belonged to political parties; but when the judicial ermine was assumed, they administered justice in a way that won the confidence of the public and of the members of their own Profession—fearlessly, without favour, and without affection.

LORD FREDERICK CAVENDISH thought that, whatever might be the merits of the Bill, its passing was endangered as long as the Government withheld any overture in regard to the objections which had been raised. If the Government would only give a pledge to consider these objections next Session, he thought he could say for his own political friends that they would not interpose any more obstacles in the way of the present measure being proceeded with.

MR. SULLIVAN said, it was exceedingly unfortunate that they were hampered in discussing the question by the fact that there had been no adequate discussion of the Irish Judicature system at any previous stage. There were great questions underlying the Bill which had

been kept out of sight. Where was the Civil Bill Courts Bill? They called for it. What had happened to that Bill? Why was it not brought forward before this measure? The English Judicature Bill was not passed until the English people had first secured to them a reformed County Court system. Why was not the same course followed with regard to Ireland? It was not until the basis of a County Court system was laid that the superstructure of a Supreme Court of Judicature could be built up. He could not understand the action of the Government in this matter, unless they were prepared to defend it on the principle of the Ulster Grand Jury a century ago, who having passed a presentment for a bridge, when told that there was no river at the place, said next year they would pass a presentment to give the bridge a river. There was no use in hiding the fact that there was a mutiny against Lord Cairns. When he attempted to deal with the Irish Judicial system, the hand of the Government was stopped, and the Civil Bill Courts Bill was put aside, not to satisfy public opinion in Ireland, but to placate certain powerful interests. Considerable dissatisfaction had been felt by the Irish Judges and Bar at Lord Cairns's proposals. He (Mr. Sullivan) was present at a public banquet, the right hon. Baronet the Chief Secretary was also there, and he advocated, not with bated breath and whispering humbleness, but with candour and honesty, certain reforms. He was dropped upon instantly, and he got a wiggling on the very spot by one of the Judges. His Lordship plainly hinted that the Judges did not want their preserves poached upon by any Government, Whig or Tory. It was a dangerous thing for any Government to deal with. Why? Because it was confessed that the whole legal system was an anomaly. It was out of joint with the times. A Conservative newspaper, *The Belfast News Letter*, said that two-thirds of the Bar were Conservatives, and, as they had been kept out in the cold for 25 years by their enemies, they ought not to be kept out in the cold for the rest of their lives by their friends. An hon. and learned Gentleman on the other side had said that while the Irish Judges did their duty, the English Judges did not. Well, he had heard the same thing said before;

but it was rather strange that the English people did not seem to know it.

MR. GIBSON said, he cast no such imputation on the English Judges. What he did say was that much of the work for which the English Judges were credited was in reality to be ascribed to others—referees, arbitrators, and so on.

MR. SULLIVAN said, that the hon. and learned Gentleman had certainly stated that the Irish people would never consent to have their business administered in the way that the English business was done. The Irish Judicial establishment, tried by every test, was either greatly over-manned, or the English Judicial establishment was wholly inadequate. Various excuses were offered for this state of things. It was said that the Irish people loved pomp; but this plea he derided. The next argument was that the Bar wanted promotion. There were, he affirmed, at the disposal of the Crown in Ireland, of places, great and small, two for every three barristers who really practised. Lord Cairns went bolder at the system than others, but he was told to hold his hand. He (Mr. Sullivan) wished to see the Bar regarding the faithful and zealous discharge of its duties as the goal of its ambition, rather than the attainment of some scrap of Government patronage, or hankering after the nod of some Castle official. Because he had dared to advocate Judicial reforms an argument in Ireland had been used against him, and in order to make him unpopular he had been assailed in the Press and by his friends, because—so it was said—that as a Nationalist and Home Ruler he was bound to get for his own country the greatest possible sum out of the Consolidated Fund. But whether money obtained from that source was a curse or a benefit to the people depended on the use to which it was applied. It might be employed for purposes of corruption and intrigue; and if it was bestowed without honest value being given in return for it, it was a bribe. The Irish people only asked for strict justice, and that they had never yet received in regard to their system of Judicature. As Sir John Davies had said, the Irish loved nothing better than justice, and laws would lose their efficacy if they were not invested with the respect of the people. There was not, he believed, a Judicature in Europe more worthy of

respect than the Judges of Ireland on the whole were, both in their public and private character. But he nevertheless refused to trust them with the powers proposed to be given by that Bill, seeing that the House had not trusted the English Judges with those powers.

MR. M'LAREN said, that having lately moved for two Returns on the subject, it occurred to him that hon. Members might wish to know on what grounds he had taken that course. He complained that by the Bill the House would be required to vote at the expense of the inhabitants of the whole of the United Kingdom for the Irish Judges a sum very much in excess of that which was necessary. The Returns he moved for were to bring out that fact. He had had no doubt of the fact himself, but the Returns, he thought, would bring it before the House adequately, and in small compass—in such a way that there would be no misunderstanding it. The last of the two Returns showed that there were 22 Judges in Ireland, who under the present Bill would be paid £83,000; that there was a Receiver at a salary of £2,500, a Master at a salary of £1,200, another at a salary of £1,400, and a third at a salary of £1,200. One would suppose from what hon. Members on the Conservative side of the House had said, that the Judges in Ireland had no assistants; but there were four assistants, who received £6,300 a-year amongst them. Adding this amount to the sum received by the Judges, it appeared from the Returns which had been supplied to him that the Judicial expenses, apart from the small expenses attending the Courts, was £90,000 a-year. Now, no one who inquired into the extent of the business in Ireland could suppose that to impose such a charge upon the taxpayers of the United Kingdom was anything but an injustice. This would be apparent on reference to the statistics with regard to Scotland. To perform that which devolved on the 22 Irish Judges there were only 13 in Scotland, and the amount paid them was only £42,300. No doubt, there was what were called separate branches of law in Ireland—that there existed several Courts which were not to be found in Scotland. They had the Court of Exchequer, and there was not such a Court in Scotland. Scotland had possessed a Court of Exchequer, and that

*Mr. Sullivan*

within his recollection; but it had been abolished, and the duties which were performed in it were thrown on the other Judges. In the same way the Court of Probate, the High Court of Admiralty, and the Jury Court had been abolished, and the work thrown on the remaining Judges. The House might think that just as they diminished the number of Courts in Scotland, they would have to increase the number of Judges in the Courts which were left, and that, therefore, there would be no saving. But was that really the case? By no means. After all these duties had been imposed upon the Court of Session in Scotland, instead of increasing the number of Judges, it was reduced by two. What they gave the Scotch Judges £42,300 for doing, by the present Bill they proposed to pay the Irish Judges £90,000 for performing. The expenditure was injudicious. The salaries of the Judges would only be increased slightly, he admitted, and he was not prepared to contend that the salaries of ordinary Judges were too large; on the contrary, he thought that the salaries which the Scotch Judges received—namely, £3,000 per annum—might very well be increased. That was not the question before the House, but it was that the Irish Courts were underworked, and if that were so, why should they not cut down the number of Judges before they increased the salaries? In Scotland there were a great many more mercantile cases heard than in Ireland, and the Judges were worked harder—having probably double the quantity of work to perform for less than one half of the pay—and it would, therefore, be unfair to carry out the proposal contained in the Bill.

SIR MICHAEL HICKS-BEACH, in reply, said, that the proposals with reference to the rules were not substantially different from those adopted in the English Act. The hon. Member for Louth spoke at length upon what he considered the excessive number of the Irish Judicial staff, and objected to the mode of dealing with them in this Bill. Now, the proposals for reduction in this Bill were considerable. With regard to the Judges, the Bill proposed to reduce a Judge in the Court of Exchequer, one in the Court of Common Pleas, and one in the Admiralty Division, and an important legal official, the

Receiver Master in Chancery. It moreover proposed measures by which considerable reduction might be effected in what he might call the excrescences which grew up around the Judicial Courts when they were divided into separate divisions, and which, when these Courts were amalgamated, it would no longer be necessary to retain. These would be substantial reforms, and, he confessed, it was strange to him that the hon. Member, and those who agreed in wishing for greater reforms, should obstruct the progress of a Bill which, at any rate, did something to effect their object, merely for the idea that it did not go far enough. That was the surest way of preventing all reforms whatever. The hon. Gentleman complained that the Government had not pressed forward the Civil Bill Courts Bill. That Bill was introduced at an early period of the Session in common with the Highways Bill and the Valuation Bill. It had hitherto failed from want of time to obtain the attention of the House; but he must say there had been other reasons why it had been found impossible as yet to proceed with it. Not the least of these was the fact that a right hon. and learned Gentleman opposite (Sir Colman O'Loughlen) gave Notice of his intention to move that it should be read that day three months, thereby preventing any stage of the Bill being taken after half-past 12, and then absented himself in Ireland almost for the time he mentioned in the Notice of Motion. He hoped to have an early opportunity of proceeding with that Bill, of the importance of which he was fully conscious. He felt bound to say, however, that the enthusiastic support which it had received in the course of the debate from hon. Members opposite came somewhat late in the day. If such expressions of opinion had been heard earlier in the Session, they would have had their weight with the Government and the House, and the Bill would probably have made substantial progress. The Bill now before the House came down from the House of Lords. It had been carefully sifted by those competent to deal with this great question, and in the fusion of law and equity it was a necessary supplement of legislation already on the Statute Book with reference to England. In other matters it proposed a real and substantial reform in



another many millions might be expended under the Bill, and it would be too late, and some might say unpatriotic, to raise any question on the subject when the formation had been completed, or on the eve of a campaign—

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

CAPTAIN NOLAN proceeded. He did not wish to find fault with the scheme in its general aspect; on the contrary, he thought the idea an exceedingly good one, sketched out with great ability, but he objected to one or two important details. The two faults he found were, first, that the scheme was too expensive — not, for the present year, £40,000 being all that was taken for this year; but in regard to the expenditure which must be incurred at some future time, if ever the scheme should be put in force. The second fault he found with it was that, in the present advanced state of military science it rather looked as if they ignored some of the lessons of the Franco-German War. The leading features of the mobilization scheme were to allow an offensive Force to be sent abroad on an emergency and also to retain a Force for the general defence of the country, and therefore, as only Regular Troops were liable for service abroad, there would be two corps made up practically entirely of Regular Troops. There were to be eight field corps, but the Volunteers would be excluded. One feature was, that a large number of Militia regiments were to be sent long distances from their homes. Now he thought this idea of sending troops great distances from their homes had been overdone. He approved to a certain extent of the Government scheme, but he found fault with it as likely to be too expensive in future. The units or brigades into which the Forces were divided were too small, involving increased expense in the staff of officers and in the cost of administration. It was obvious that the larger the divisions the fewer in proportion would be the non-combatant expenses. All the great Continental countries — Russia, France, Germany, Austria, and Italy — had very large divisions compared with ours, for while we had only 3,000 in a brigade, and 7,000 infantry in division, they had at least 6,000 men in a brigade, and 14,000 or 15,000 in a

division. At the same time a *corps d'armés* was not so much smaller in England than in other countries, for we put three divisions, while other countries put only two in a *corps d'armés*. As far as he could make out, the total cost of the Staff pay of the eight *corps d'armés* would be about £500,000, and that was only the beginning of the expense. He calculated that the present system of organization would be more expensive by one-third than the organization of the Continental Armies as far as the Staff officers were concerned. The system had also military as well as financial defects. If in time of war two *corps d'armés* were sent abroad they would be found difficult to manage. All military authorities were opposed to dividing an Army into two equal or unequal divisions, as it would probably lead to a conflict of authority between the generals in command of the two fractions when either was ordered by the Commander-in-Chief to detach aid to the other. In his opinion the best course to adopt in time of war would be to divide the two *corps d'armés* into three *corps d'armés* of two divisions, and he believed that whoever devised this scheme contemplated something of that kind; but still, this, though the best course, would be but a weak expedient. He asked the Secretary of State to tell the House the reasons why these small units or brigades had been adopted? He could suggest two reasons for the adoption of that system—one being that during peace manœuvres there was an advantage in having small divisions, because it enabled a large number of Staff and general officers to be trained, and afforded a good opportunity for making a number of appointments to well-paid posts; and the other being that it was intended to mitigate the evil of our regimental system, which had for its base a single battalion per regiment, instead of the three battalions per regiment used in Continental Armies. The point on which he wished to get an answer from the Government, however, was not with regard to the regimental system, but with reference to the new mobilization scheme, and as to why the brigades and divisions were made so small and were so expensive, not only in the Staff pay of the officers, but also in the administrative service, and in many other respects. These errors were no mere fancies of his own. He

*Captain Nolan*

had only pointed out what all the Continental powers were doing in that direction. They had long since by experience discovered that small brigades were more expensive, because they required more officers, more Artillery, and more Cavalry in proportion. No doubt, it was more convenient for manœuvres in time of peace to have small divisions; but as the mobilization scheme was ostensibly devised for a time of war, it ought not to be based upon considerations only applicable to a time of peace. In foreign military states the administrative unit was 3,000 or 4,000 men, and the fighting unit about 1,000, and he should like to know why a different and more expensive system had been adopted in this country, by confining our regiments to practically a single battalion? He thought that the Government had done very good work in publishing a scheme for mobilization in *The Army List*, as now one had something definite to look to; and no doubt any scheme which the Government could have put forward would have been subjected to criticism, but he wished to point out that this scheme, although in many respects a good one, would entail much future expense, and he asked that the Government should give a reason for it, trusting that they would not fall back upon the answer that they had merely acted on the advice of the military authorities. If such an answer were the only one given, it must be remembered that on the other side there were such military authorities as Moltke, Blumenthal, and MacMahon; and he trusted that the Government would be able to give some reason why the mobilization scheme was specially applicable to England.

Mr. J. HOLMS said, he entirely agreed with the hon. and gallant Member for Galway (Captain Nolan) in thinking that the mobilization scheme was a very expensive one, and that it entirely ignored the lessons of the Franco-German War. He thought the forthcoming mobilization of two Army Corps would prove the unsoundness of the present military system of this country. Whether the English public did or did not take an interest in the changes going on in our Army, the fact remained that every country in Europe would give critical attention to them, and unless he was much mistaken, the

military authorities of such countries would discover in our so-called mobilization much that fell but little short of the grotesque. The scheme ought to have been submitted to Parliament before being adopted. It would almost entirely undo the localization scheme, which was adopted by the House at the instance of Mr. Cardwell a few years ago. A still greater objection was that it adhered to principles of organization and administration which had been condemned, and justly condemned, by all other military Powers in Europe. With respect more particularly to the scheme itself, the force indicated by its authors must either be required or not, and he could not believe that the Government would publish to all the world that they required a great many more men and horses for their Army, unless they were absolutely required. And at a time when every one knew that the country was not actually in the position to supply the number of men, guns, and horses which the War Office said was requisite. The statement of the War Office was that for eight Army Corps they required of Regulars 102,636 men, and for garrison duty in all 21,566; for the Militia they would require 221,469 men. The number of horses required would be 85,866, and the number of guns 720. But the Government had only—deducting the number of men in prisons and hospitals—in round numbers 93,000 Regulars, or 71,000 if the number required for garrison duty was deducted. The Militia numbered 100,000, of which number 34,000 was required for garrison purposes. The horses at the disposal of the Government were only 15,000, very far below the number said to be required, and of the 720 guns we had only 342. In other words, we had only enough of Regular troops to supply three Army Corps: our Militia would only be sufficient for four Army Corps; we had only horses for one and a-half Army Corps, and only enough guns for four Army Corps. Well, that being so, we had only men and guns for four out of eight Army Corps, and he was anxious to know what was to become of the other four Army Corps? Why, if matters remained as sketched out in the scheme, four out of the eight would be composed simply of 32 generals and 292 officers of the Staff. He asked the

Government whether they intended or did not intend to carry out their scheme. If they did, how were they to procure the men, guns, and horses? If they did not, why did they not reduce the number of *corps d'Armée* to the number of the men they intended to maintain? He protested against the scheme altogether. It would simply result in an increased expenditure, and would entail the appointment of 96 generals and 644 officers of the Staff.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. J. HOLMS proceeded: If the scheme were carried out in its integrity, the Army would be short by the number of 70,000 horses, 378 field-guns, 120,000 Militia, and 30,000 Regulars. He must therefore again ask if the Government really intended to give effect to the scheme? If they did, it would involve in the first year a charge of £8,280,000, of which sum £3,260,000 would be a capital charge incurred for horses and guns alone to supply the existing deficiencies, and each succeeding year there would be an addition to our present Army Estimates of £5,000,000 for the supply of the requisite number of men to bring up our Forces to the standard prescribed by the scheme. Mr. Cobden once told the House that he had been assured by high military authority that our Army organization was the most extravagant in Europe. Mr. Cobden was right in discussing that organization, for upon sound organization efficiency and economy entirely depended. A sound formation of an Army Corps system would be the very keystone of improvement in our military system; but the composition of the proposed Army Corps did not comply with the requirements of a sound system. They would, as he said, have the military *attachés* of every European Court criticizing our Army system next month, and he could not believe that their verdict would be altogether satisfactory. He believed that the ruin of the French Army was the scrambling for appointments which took place, and he was afraid that something very similar was going on in our own case. He could not understand how the military authorities should have selected for the command of one of the Army Corps an

officer, however capable, who was over 72 years of age, and had been out of the Army for years, and this when making a trial for the first time of a new system. Look at the composition of the 2nd Army Corps which was about to meet at Godalming. So far from the men being close to their own homes, the Army Corps was to be composed, as far as the Militia were concerned, of men mainly drawn from the most distant portions of the Kingdom. How was it possible that such men could have been trained together? The General knew nothing of them, and they knew nothing of their General. Why, again, should the War Office draw men from Scotland and Ireland to the South of England for the purpose? Would it not be much more reasonable to have an Army Corps in the Southern counties drawn from the young men of that part of England? Tilbury Fort, which 200 years ago was the scene of a Dutch invasion, was to have its defence provided for by the Militia of Argyllshire, Bute, Ireland, and Northumberland, when surely there were enough men in Middlesex to defend it. In the event of invasion our Yeomanry would be called upon to discharge the duties performed by the Uhlans in the Franco-German War, which they were incapable of doing. Two conditions of efficiency they were supposed to possess—first, that the Yeomanry should own their horses, and, secondly, that they should understand their own country. From a recent Return it would be seen that the Yeomanry in many cases were not all provided with their own horses, and by this scheme they would be quartered, not in their own counties, but in different parts of the country, of which they knew nothing whatever. He should like to know whether the Militia and Yeomanry attached to the 5th Army Corps were to appear at head-quarters at all, or whether it was true, as he had heard, that, being short of equipment, they were to assemble and then return to their own homes? He trusted the House would receive some clear assurance of the intentions of the Government as to whether this mobilization scheme was really to be carried out or not, and whether they would re-arrange the Army Corps which at present appeared in *The Army List*, or remove it from that publication altogether.

Mr. J. Holms

Mr. STANLEY said, some of the criticisms which had been made upon the scheme of mobilization would almost justify a retort like that of the horse dealer, when some one pointed out what he deemed to be a fault in an animal with many excellent points—"Do you really think it is a fault? For my part I think it is the best thing about the animal." Many of the so-called points of weakness in the scheme were deliberate departures from the rules which had guided the formation of large armies in foreign countries, and were intelligent applications of the same principles to the different circumstances under which we lived. There appeared to be a very considerable amount of misapprehension prevailing as to the precise objects and merits of this scheme. It did not aim at any very large increase of the Forces, nor at any extensive alterations of the mode in which they were arranged; but from the first it had purported to be an intelligent and intelligible scheme, marking out, as in a time table, the precise places where, until further orders, particular troops would rendezvous under given contingencies. From the very nature of it, therefore, there could be no finality about it. It was clearly shown, even from the mode in which the Army Corps were mobilized this year, that the intentions of his right hon. Friend was to test the orders for mobilization that had been established, and to test them openly before the public with all their merits and all their defects, and the last speaker seemed to have misapprehended the real state of things in that respect. To prove that he need only refer to the second Article. If it had been thought desirable to bolster up fictitious strength nothing would have been easier, for instance, than to attach to the 5th Army Corps, from places where they could be well spared, a sufficient number of batteries to complete the Artillery to the normal establishment, which would complete the Artillery of the *corps d'armées*. So far, however, from that having been done, many batteries were wanting, and one *corps d'armées*, appeared with an Artillery force of six guns only, instead of 90. Comments had been made about the Forces not being entirely composed of Regular troops; and he might explain that arrangement arose from the wish of the military authorities not to make a great disturbance

in the present military arrangements of the country, but to provide for the concentration of troops where they might be required. There was one point which it was impossible to leave out as a factor in these calculations. That was that although our frontier was penetrable at many places, it was not penetrable without a certain expenditure of time, and he was fairly entitled to use that fact when asked how regiments could be transmitted in time from one part of the country to another. Criticisms had been made as to the number of officers, the small units, and the number of divisions. Undoubtedly, if he were prepared to go into arguments which he thought more fitted for the United Service Institution than the House of Commons, he should have something to say about the different opinions existing between many competent authorities as to the exact composition of divisions and brigades. But he would only say at present, that there appeared to be an immense advantage in having a large number of small divisions. He would ask the House to separate this scheme from some others on which criticisms had been passed. This scheme was nothing more nor less than what it purported to be—a scheme for the mobilization of the military Forces of this country. It was wholly in its nature a defensive scheme, and on its merits and demerits as a defensive scheme he was prepared to meet any arguments that might be adduced. As to the supposition of the hon. and gallant Member opposite (Captain Nolan) that if it were proposed to send two Army Corps abroad, the two commanders from jealousy would do all they could to disorganize the Army, it was too late in the day to be guided by such minor considerations in devising any scheme. Under such circumstances, when large bodies of men were to be moved, was it not to be expected that some intelligible plan of action would be drawn out beforehand, subject to modification by the senior officer; and if there was any risk that two commanding officers might neutralize it, was it meant to be implied that there ought to be a third, so that a majority might settle differences? That would be something new in military matters. Then with respect to the Forces at home and the scheme of defence, he wished to point out that the scheme laid down where certain troops were to be

placed, in case of necessity, upon the basis of there being eight Army Corps. Before this scheme was brought forward a Committee on Organization was sitting at the War Office, and they laid down what was the plan that would be most effective for the right concentration of these Army Corps, excluding the troops that were to be set apart for the defence of certain fortifications, the rest being available for this special Army Corps. The hon. Member for Hackney (Mr. J. Holms) talked about the enormous cost of the scheme, but it involved a mere distribution of the Force now existing, and the cost had not been increased by the addition of one officer or man. Supposing also that the Force when distributed was found to be weak in one place or unnecessarily strong in another, there was nothing to prevent any troops from being detached from one place and attached to another by the simple process of a General Order. The hon. Member had also commented upon the mode in which the Force was to be moved from one place to another, but the difficulty of dealing with Forces was not so great when they got them together, as before they got them together and before they were organized. What they had to consider was how they might best meet that difficulty. The hon. Gentleman (Mr. Holms) had also spoken of the anomalies of bringing battalions from Scotland to serve in England, and sending battalions from the South to serve in the North. All these arguments as to interchange had met with intelligent consideration, and all he could say was that the changes themselves had not been in any way guided simply by local considerations. If the Northern portion of England was most open to attack, he should have thought that the highest honour was conferred upon those who were called upon to take part in repelling such a demonstration. In the Waterloo campaign the Brigade of England, Scotland, and Ireland earned for itself the distinction of being the Union Brigade, and well maintained its position in the history of that campaign. In case of hostilities, given a strategical point, lines of communication must be kept open, and taking the great lines of railway as the arteries of commerce, it was desirable to interfere as little as possible with the peaceful traffic of the

country, and it was desirable that a particular *corps d'armées* should be able to concentrate at a particular point and by the rolling stock of one line. Special management would be required in such a case, and that must be regarded as having no small influence on the question they were discussing. There were other considerations which had not and could not be put on paper. He would not follow the hon. and gallant Member (Captain Nolan) into a discussion upon Army organization further than to say that considerations connected with colonial, foreign, and Indian service had influenced the decision of these questions, and that in the nature of things there could be no finality about these measures; they must watch what was going on elsewhere, and from time to time adapt the military organization of this country to the most approved systems. The hon. Member for Hackney said that when Lord Cardwell brought forward his scheme for the re-organization of the Army he invited the consideration of the House to the whole question, and offered very full explanations of all the points of his scheme, and probably by implication the hon. Gentleman complained that the Secretary for War was not doing the same thing on this occasion. But the circumstances were diametrically opposite. Lord Cardwell's scheme involved very considerable alterations in the internal arrangements of the Army, and an essential change in our military organization; and the estimated cost of the scheme was £3,500,000. Naturally, therefore, on such an occasion, the House had a right to call upon the Minister for a full explanation of the conclusions at which he had arrived. In this case, however, the outlay involved was no more than for ordinary manoeuvres, and, so far as the Votes of the present year were concerned, the cost was not so much as that of the ordinary Autumn Manoeuvres. The Government only proposed a re-arrangement of existing troops. They did not propose to bring up the battalions immediately to a war strength. He thought the arguments put forward by the hon. Member for Hackney in relation to these Army Corps must be taken as fallacies. He could not but think that the hon. Gentleman had, in his calculations, taken the theoretical strength as it might be on a war establishment, instead of that which was

*Mr. Stanley*

the fact under the existing scheme; but the filling up the Army Corps to a war strength would only be thought of in case of the most urgent necessity. The hon. Gentleman spoke of the enormous cost that would be incurred; but there would be no additional cost, except that of concentration and the ordinary allowances to troops who were under canvas. What his right hon. Friend wished was to see, in the first place, how these Regulations, put into operation in time of peace, would be likely to act in time of war; secondly, not only to see whether he would be enabled to call out a portion of the Reserves, but to test a matter as to which some persons had expressed considerable doubt—namely, whether the men would be forthcoming, and, if forthcoming, what they would be worth; and, thirdly, to ascertain how far the calling out of these men might cause a disturbance of civil employment throughout the country. These were points which should go a long way in recommending the scheme to the House. The hon. Member for Hackney had erred in mixing up two questions which were very distinct in their character—namely, the mobilization of the forces as shown in *The Army List*, and the localization scheme of the late Secretary of State for War; and he seemed to have thought that the former would completely upset the latter, but the two things had no necessary connection with one another. It was quite true that his hon. Friend, who had studied the interesting question on the spot, had come home from Germany very much impressed with the ideal of the German Army Corps. His hon. Friend said that the men of the German Corps were localized together, that they came from the same districts, and that they knew their Generals and their General knew them. But these were conditions which could not apply to the Army Corps system in this country, and if his hon. Friend looked at the first Report of the Localization Committee of Lord Cardwell, he would find a very intelligible account of the way in which our Reserve Forces must differ from those abroad. Here the men would enlist at a particular dépôt to which they probably might never return until they were discharged. In our mobilization of troops the unit had been taken not of the battalion, but of the barrack in which the battalion was

placed. The battalion might belong to a Norfolk dépôt, whilst it was placed in a garrison far away from there. Therefore our localization scheme must be worked on a different system from the German; and if the late Secretary of State for War were now in this House he would give the hon. Gentleman very nearly the same explanation of the localization scheme as had now been given. To carry out rigid localization would be to do that which caused so much difficulty in the French war; but this would be avoided by adopting the barrack as the basis. It had been said that the Yeomanry were no longer mounted on their own horses, but the Committee of last year brought that point to light, and a Regulation had been issued that no one should be accounted efficient as a member of the Yeomanry unless he fulfilled the condition of riding his own horse. As to the men being well acquainted with the country, troops in these days travelled over so much ground that a man must have a versatile talent and wide information if he knew the inns and outs of all the locality which he had to act in from personal knowledge, and he must rather trust to that derived from maps and other topographical information. He might say, in conclusion, that this scheme had not been taken up lightly or carelessly. It was not announced with any great flourish of trumpets. The sounds which heralded its approach did not partake of that inspired character which had been attributed to them, though the subject had evidently been handled in the Press by those who thoroughly understood the question. No extra cost beyond that of the manœuvring of former years had been incurred in connection with it. Not one single officer had been added to *The Army List* in consequence of this scheme. The only expenditure was that of the Parliamentary Vote in the usual Estimates. The scheme laid down as clearly as it was desirable to lay down, the mode in which, until other Orders were issued, troops might be concentrated at such particular points as the occasion of their being called together might render necessary. That had been done to avoid complicated routes and other complications. All this had been placed in an intelligible and practical form before the military authorities, and

military matters at the War Office as to the various parts of this scheme, and he should continue to consult them upon matters of this character. The hon. Member for Hackney seemed to be so enamoured of the system under which *corps d'armée* were formed on the Continent that he wished it to be adopted in this country; but as had been pointed out it was not thought necessary to go to the expense in this country that was incurred in the construction and maintenance of Continental Armies, and they were based upon a different foundation. The hon. Member for Hackney had spoken of the possible invasion of the country. He (Mr. Hardy) was one of those who did not share in the fear of a probable invasion, nor had the noble Duke to whose speech reference had been made spoken of immediate invasion, but of the necessity of putting the Army on a good footing in order to be prepared should it come. If it did he did not hesitate to say that the country would provide, and promptly provide, for any such emergency. It would not grudge the cost; on the contrary, he believed they would go further, and be ready to bear the expense of increasing as well as of filling up the battalions and brigades. He regretted that the hon. Member for Hackney had spoken in terms of disparagement of a gallant officer who had been appointed to the command of an Army Corps. General Sir William Codrington was one of the few officers who had commanded an Army in the field; and though he had not recently been on active service, he had, nevertheless, kept up his interest in the profession to which he belonged, and his appointment had his (Mr. Hardy's) hearty approbation.

MR. J. HOLMS disclaimed any wish or intention to cast a slur upon the character of Sir William Codrington.

MR. GATHORNE HARDY thought when the hon. Member spoke of that distinguished general as being too old for the Service, that was speaking of him in disparaging terms. General Codrington having the misfortune to be out of employment had yet continued his military studies, and evinced his interest in military affairs, and he (Mr. Hardy) thought it most unfair to speak of him in such disparaging terms. He, however, did not wish to dwell on so ungracious a sub-

ject. He would only say, in conclusion, that he had arranged to call out these two Army Corps, in order to put what had been done to a practical test. One thing he could promise—that there should be no concealment as to what occurred. It would be seen whether the men would come and how they acted when they were brought together. He should have no hesitation in telling the House the number of men engaged in these operations. His object was not to deceive the country by a show of force which was illusory, but to let the country see how far it had forces which could be relied upon.

#### RIVERS POLLUTION COMMISSION— THE REPORT.—QUESTION.

MR. A. BROWN rose to call attention to the final Report of the River Pollution Commission as regards the supply of water for domestic purposes in rural districts, and to ask the President of the Local Government Board what further steps he proposes to take to remedy the existing evils?

Notice taken that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Twelve  
o'clock till Monday next.

#### HOUSE OF LORDS,

Monday, 26th June, 1876.

#### MINUTES.]—PUBLIC BILLS—*Second Reading*—

Local Government Board's Provisional Orders Confirmation (Bath, &c.) \* (126)—(Artizans and Labourers' Dwellings) \* (127)—Bristol, &c. (No. 6) \* (129)—(Bingley, &c.) \* (136)—(Bilbrough, &c.) \* (137); Jurors Qualification (Ireland) \* (140).

*Committee*—Admiralty Jurisdiction (Ireland) \* (95-145); Public Health (Scotland) Provisional Order (Wemyss) \* (109); Elementary Education Provisional Orders Confirmation (Hailsham, &c.) \* (101).

*Committee—Report*—Local Government Provisional Orders, Aberavon, &c. (No. 7) \* (108); Elementary Education Provisional Order Confirmation (London) \* (100).

*Report*—Publicans Certificates (Scotland) \* (130-143); Cruelty to Animals \* (131-144); Provisional Orders (Ireland) Confirmation \* (87); Coroners (Dublin) \* (102).

*Mr. Gathorne Hardy*

*Third Reading*—Army Corps Training\* (128); Burghs (Division into Wards) (Scotland) Amendment\* (116); Smithfield Prison (Dublin)\* (117); Kingstown Harbour\* (103), and passed.

## TURKEY—THE INSURRECTIONARY PROVINCES.

### QUESTIONS. OBSERVATIONS.

**THE DUKE OF ARGYLL:** My Lords, I rise to ask a Question, of which I have given private Notice, to the noble Earl the Secretary for Foreign Affairs. Had I known earlier of the circumstances to which my Question refers I should have given my noble Friend public Notice of it. It may be known to some, though possibly not to all, the Members of your Lordships' House that three days ago there appeared in one of the morning papers—*The Daily News*—a letter from Constantinople, giving in detail, and apparently in a very circumstantial form, an account of some alleged barbarities, massacres, and outrages upon Christian subjects of the Porte, committed partly by Bashi-Bazouks and partly by regular troops of the Turkish Government. If this communication of the Correspondent had been made in the form of vague rumours or something of that kind, I should not have called the attention of my noble Friend to them; but there is this peculiarity about the communication—that in respect of some of the towns and villages the names are given, the number of the persons massacred is given, and the name of the Turkish officer who commanded the troops is also given. I shall not, however, harrow the feelings of the House by relating the whole of the details of the correspondence. I shall simply summarize its statements; which are, first of all, that there had been an indiscriminate slaughter of old men, women, and children, in something like 100 villages in Central Bulgaria—a province in which, as far as I know, there is not now, and never has been, a state of insurrection. The names of 37 of these villages are actually given; and in the case of one town, the name of which also is given, it is stated that 1,500 persons—mostly women and children—were massacred. This town was a place of some 400 houses, all the inhabitants being Bulgarians.

"No charge of disloyalty, still less any charge of open rebellion, had been brought

against it. Its one offence was that it was Christian, and in consequence, as compared with a Turkish village, rich. For this reason alone the armed Moslem rabble were let loose against it and its unoffending inhabitants. The village was surrounded and the inhabitants fired upon. Of course, the latter, surprised though they were, defended themselves, remaining, however, in their houses. A portion of the Christians even now consented to give up their arms, on being assured that they would not be injured, and a body of them unarmed, with women and children, and headed by two priests, went out to make submission. The two priests advanced to kiss the hem of the Turkish chief's robe, and was killed on the spot for his submission; the other was wounded in the head, but managed to escape. The unarmed inhabitants were attacked. Some of them fled; others took refuge in the two churches of the village. On the 11th of May Raschid Pacha arrived with a body of troops. He ordered the Christians to surrender their arms. They naturally requested to be allowed to retain them until the Bashi-Bazouks had withdrawn, fearing the fate of those who, having disarmed themselves, had submitted, and had found how utterly untrustworthy are the promises of a Turk. Raschid at once took the part of the Turks, and ordered the villagers to give up their arms. He thereupon made an attack upon the church, and old men, women, and children were indiscriminately slaughtered. Every house in the village was burnt, and on the 14th of May not a house existed. A certain number of the women and children escaped, and are now refugees in Philippopoli, but a number of women were carried off as legitimate prizes by the Bashi-Bazouks."

In calling attention to this matter I have no wish to break through what has been called the "patriotic reserve" which we have all maintained with regard to the Eastern Question and the general policy of Her Majesty's Government in respect to it. I simply wish to know whether my noble Friend has received from our Minister at Constantinople any kind of allusion to those alleged horrible massacres in Bulgaria; and, if he has not, whether he has addressed or will address any inquiries to him on this subject?

**THE EARL OF DERBY:** My Lords, I saw the other day in the correspondence of *The Daily News* that very startling series of statements as to the alleged massacres and other acts of violence said to have been committed in Bulgaria by the Turkish troops to which my noble Friend has called attention. I need not tell your Lordships of the reputation of the paper from which the noble Duke has quoted, and I am bound to say, also, that those statements are given in great detail, and in a manner which would seem to establish some foundation for them; but your Lordships can readily



understand that, however desirous they may be to do so, journalists at home cannot possibly verify the statements which reach them from Correspondents at such a distance and writing under such circumstances. My Lords, though, from the nature of the case, it is impossible for me to prove a negative, I can state that the reports which I have received certainly do not bear out in any degree the statements which the noble Duke has quoted, and, in the absence of any such official confirmation, I think we should be slow to believe those statements. We have heard, no doubt, of acts of cruelty committed on both sides, but upon nothing like the scale spoken of by the Correspondent in question. It is quite true that Bashi-Bazouks have been employed in the suppression of the Bulgarian Insurrection; that the Regular troops have been supplemented by irregular troops; and that, in consequence of reports as to the conduct of these troops, a representation was made to the Porte by Sir Henry Elliot on the subject. The answer to that representation was that the employment of those Circassian troops had been discontinued. That is all the information which, as at present advised, I am able to give in the matter. There have been excesses committed on both sides—in some cases by the insurgents and in other cases by the Turkish troops; but I have not received official information of anything that will come up to the atrocity of the acts referred to in the statement quoted by the noble Duke. I do not ask your Lordships to prejudge the case; but I think we are bound to reserve our judgment, and not assume too hastily that statements of the kind are true. I have a lively recollection of the extraordinary and sensational circumstances which reached us day by day and week by week nine years ago, during the insurrection in Crete; I ventured then to express some doubts at their accuracy; and I make bold to say that nine-tenths of those reports turned out to be untrue. As the noble Duke has thought the evidence in this matter sufficient to justify him in bringing the subject before the House, I will not fail to make further inquiry from our Minister at Constantinople.

EARL DE LA WARR: I beg to ask my noble Friend the Secretary of State for Foreign Affairs, whether he is able to

give the House any information of the reports of the critical position of affairs in Servia?

THE EARL OF DERBY: The Question of my noble Friend is vague, and one which it is not altogether easy to answer. The state of affairs in Servia is critical in one sense, inasmuch as we all know that great military preparations have been made in that country; the Militia and, as I understand, the Reserves, have been called out, and every preparation has been made which could be made for immediate entrance upon a campaign. No doubt in that way affairs in Servia may justly be described as in a critical state; but if my noble Friend asks me whether I think it is the intention of the Servian Government to make war, that is a question which it is beyond my power to answer. It is open for that Government, in answer to any inquiries as to those preparations, to reply that in the unsettled condition of affairs around them they do not consider those preparations more than are necessary for the maintenance of peace.

#### ENDOWED SCHOOLS COMMISSIONERS. MOTION FOR RETURNS.

EARL FORTESCUE, on rising to move for Returns respecting the Endowed Schools, read extracts from the Report of the Royal Commission appointed some years ago to inquire into the Endowed Schools. He regarded the legislation which had been based on that Report as miserably incomplete, and falling, in essential particulars, far short of the recommendations of those Commissioners. They spoke of dealing with schools in groups as a necessity, and said that that necessity seemed plainly to imply the corresponding necessity of local provincial boards to deal with them. Indeed, in the words of the Endowed Schools Commission upon their establishment the system proposed in that Report "mainly rested." But in spite of his remonstrances in that House, provincial boards for dealing with endowed schools were omitted from the Bill of 1869. And as that Report had warned them, the result had shown that under the centralizing system neither the late Endowed Schools Commissioners nor the present Charity Commissioners could deal in a satisfactory manner with those foundations. He was far from saying this was

*The Earl of Derby*

the fault of either set of Commissioners. They entertained an enlightened view of their duties. And here he must be permitted to pay, on public and private grounds, a passing tribute to the memory of the lamented Lord Lyttelton. But by their own avowal in their Report of 1872, they were unable to deal systematically and satisfactorily with the endowments placed under their control for want of proper legislation. One of their great difficulties was to keep down the number of first grade schools. For all masters and very many trustees were anxious that their school should enjoy the dignity of being of the first grade, while there was a far greater need for schools of the third grade—schools for the children of persons just above the wage-class. The Commission of Inquiry stated in its Report that the schools of the third grade would require to be as numerous as those of the first and second grades taken together; but what was the fact? He found that while under the schemes hitherto sanctioned there were 27 first grade and 55 second grade, there were only 56 third grade schools. Owing, however, to the fact that the Commissioners had been unable to deal with the schools in groups, there was reason to hope that there were few districts which had not still endowments available. Indeed, about three-fifths still remained untouched. There was, therefore, time if the matter was taken in hand at once to prevent very much harm; though as much good could not be done as might have been effected if the admirable scheme of the Schools Inquiry Commission had been taken up and acted upon in all its integrity. But if the Government left not "well" but "ill" alone, no benefit would result to the country from the valuable labours of that statesmanlike Commission, from its comprehensive and practical recommendations, founded upon full, protracted and exhaustive inquiry. Indeed, in some respects the previous condition of those endowments then of an aggregate value of some £20,000,000 sterling, their scandalous disuse, misuse, and abuse, was less to be deprecated, because much less hopeless of improvement, than would be the permanent respectable misapplication of them unavoidably carried on by successive Commissioners under the centralizing legislation of which he complained.

*Moved*, That there be laid before the House,

Return made out county by county, with in each case a proximate estimate of the annual value of the endowments, of (1) the number of schemes finally approved and in force in England and Wales under the Endowed Schools Act of 1869; of (2) the number of schemes published by the Endowed Schools Commissioners and the Charity Commissioners but not yet finally approved; and (3) educational endowments not included in Nos. 1 and 2 but within the provisions of the said Act, distinguishing those to which section 3 of the Endowed Schools Act, 1873, applies, in continuation of the Return ordered the 22nd of June 1875.—(*The Earl Fortescue*.)

THE BISHOP OF EXETER concurred with the noble Earl (Earl Fortescue) in thinking that if the present system was pursued there was great danger that the educational resources of the country would not be made available to the extent that was desirable. He hoped efficient steps would be taken to extend the operations of the Commissioners over the Endowed Schools of the Kingdom. The Endowed Schools Inquiry Commission came to the conclusion that a large number of these schools were not doing good, but, on the contrary, were doing harm. There were two causes for that state of things. One was, that the trustees were so hampered by obsolete provisions, intended to have a different effect from that which in reality they had in these days, that it was impossible for them to make improvement—and that without legislation it was hopeless to expect that the Endowed Schools of the country could be put on a satisfactory footing. The second cause was that the schools were in no sort of relation with each other, but in mischievous competition; there being in some districts schools much in excess of the educational wants of those districts. It appeared to the Commission of Inquiry, of which he was a member, that it was necessary, first, to provide for a complete review of legislation as regarded individual schools; and, secondly, that the schools should be put in healthier and more harmonious order as regarded relation to each other. In reference to the latter of these purposes, the legislation following on the Report of the Commission was very unsatisfactory. He was not prepared to contend that the machinery devised by the Commission for the carrying out of

small extent increased. He was far from saying that their salaries should not, if it was feasible, be further increased; but, in his opinion, to allow them a commission on school books was not the most satisfactory mode of doing that.

*Motion withdrawn:—Then*

Return of the amount of commission allowed to teachers of national schools in Ireland on the purchase of books and requisites in each of the years 1873-74, 1874-75, and 1875-76.—(*The Viscount Gough*,) agreed to.

TURKEY—THE BERLIN MEMORANDUM.  
OBSERVATIONS.

LORD CAMPBELL: My Lords, I came into the House, like every one else, unprepared for the question which a noble Duke upon the front bench beneath has brought on as to Bulgaria. But having received to-day some information through a British correspondent at Rustchuk, as the subject is entirely connected with my Notice, it may be well, perhaps, to mention at the outset that it does not at all confirm, to their full extent, the statements of which the noble Duke desires to test the authenticity. The fact is that the Sublime Porte assailed by insurrections from without, at very different points in an extended territory, is reduced to the employment of those auxiliary forces in which discipline can hardly be maintained. My Lords, as the Notice is in some degree to call attention to a volume of despatches, I wish to say a few words on its contents. The most interesting documents which meet us are the letters of Consul Holmes, whose post at Bosna Serai brought him into contact with the insurrection at its origin. Nothing can be more clear or valuable than the light he throws upon it. From him we learn that the undue liberality of the Porte was the immediate cause of the explosion. Some inhabitants of Herzegovina had of their accord transferred themselves to Montenegro. They unhappily obtained permission to return, which the Governor General of the Vilayet counselled the refusal of. They very soon diffused the incendiary lessons they had lately been acquiring. In none of his expressions does Consul Holmes admit the insurrection to be genuine. His language naturally merits a great deal

more attention than I can now devote to it. The next interesting document is a long pamphlet, which professes to give the view of the insurgents as to mal-administration and abuses. It certainly is able, vivid, and minute—it might make an impression on anyone who read it. But it is traced to no authority whatever. Consul Holmes himself transmitted it to the noble Earl the Secretary of State, without any clue to the workshop it proceeds from. Soon afterwards we travel on to the well-known Circular of Count Andrassy. The House may judge its scope by one recommendation—it is that all the revenue derivable from general taxation in a Province should be spent exclusively upon it, and never find its way into the Exchequer of the Porte; as if it were suggested that the produce of the income tax in Yorkshire or any other county were by an Act of Parliament devoted to its prisons and its roads. No wonder that grave men like the Duc Decazes and the noble Earl the Secretary of State accepted with some reserve a proposition so astounding. They might indeed have asked themselves what strange interpretation of the 9th Article in the Treaty of March 30th, 1856, had possibly suggested it, that Article which stipulates against all interference on the part of foreign Powers between the Sultan and his people. Soon after we arrive at an elaborate despatch from the noble Earl the Secretary of State, in which, with manifest reluctance, he conforms as far as he is able to the line of Count Andrassy. But as it has long ago been stated that his concurrence was only granted at the suggestion of the Porte, who viewed the Austrian Note with horror, but thought that such participation would make it less oppressive, I need not dwell on that stage of the transaction—here the Blue Book ends. It is only about 100 pages, but it is not unimportant as it enables Consul Holmes to give that interpretation of an event which in its consequences agitates the world, for which every Capital in Europe ought to be indebted to him. My Lords, as to the Correspondence which I move for, I am anxious as far as possible to spare the Government embarrassment. It is not my aim to draw from them prematurely what has been termed the Berlin Memorandum, or any answer they have made to it: nor is it with a

view to those documents that I employ the term of recent Correspondence. I allude to any Correspondence with Berlin which has taken place during the current year; and there is an obvious reason for demanding it at present. It was generally felt at the beginning of the Session, by those who had the nearest opportunities of watching the position at Constantinople or elsewhere, that the line of safety would be found in bringing the influence of Berlin to bear on those Powers which more or less upheld the insurrection. Having endeavoured to maintain that view at the beginning of the Session, for whole months I never troubled the noble Earl with any proposition or inquiry, but waited to see how far, and if at all with what results, it had been acted on. At last, during the course of May, the public learnt, with little satisfaction, that the authorities of Berlin had sanctioned a proposal which the noble Earl declined to approve. In order to gain a just impression of how we stand with Germany at present, in order to decide how far the Government have done their utmost to avert a situation much to be regretted, at least some portion of the Correspondence is essential. It is open, no doubt, for the noble Earl to say that none has taken place in the sense I have referred to; but he will hardly make such an admission. In every other case I venture to maintain the Motion ought to be acceded to, giving as it does a perfect latitude as to what shall be produced and as to the moment of producing it. My Lords, I have now said all that is strictly indispensable as connected with the Notice: and as no man can possibly predict whether the subject will again come before the House before the Session closes, any further observations I may hazard ought to be brief and hurried over. It is useless to dilate on a series of grandiose and tragical occurrences which the journalists of the day have had so many opportunities of painting. It is useless to point out at length the immense advantage which our policy derives from a revolution which at once propitiates and staggers the insurgents, checks superfluous expenditure, limits arbitrary power, secures to the best minds at Constantinople the ascendancy they wanted. Nor do I think it altogether necessary—a few days ago it seemed to be so—to contend that danger is very far from

being exhausted and that until the Bosnian insurrection closes altogether, we cannot see what obligations our country might be called on to fulfil. The disposition to rather premature repose has been in some degree corrected by the attitude of Servia, of which we heard something from the other side to-night. On that point I wish to make an observation to your Lordships. Not long ago a Question was put to the Government as to the Treaty of April 15th, 1856, to which I have more than once directed the attention of the House. The noble Earl the Secretary of State did a considerable service in re-affirming its validity, which the Conference of 1871 had certainly obscured, although it did not actually impair it. The noble Earl went on to add that it was not framed in order to defend the Porte against its Vassal Principalities. I think with him that such was not the object primarily contemplated by it. But if through the medium of a Vassal Principality a foreign Power should endanger the integrity of the Porte; if a Vassal Principality invades the Porte with foreign gold to aid and foreign officers to lead it, then I should contend that the Treaty of April 15th entitles you to an influence upon the Vassal Principality you could not otherwise have aimed at. But setting aside completely the Treaty of April 15th, there is a special ground of interference as to Servia, which at a time so critical as this ought not to be forgotten. Certain Governments, not many years ago, induced the Sultan to evacuate the fortress of Belgrade, which he was at liberty to hold by the Conventions which existed. They thus became responsible to him for any future risks the measure might occasion. In 1863, when the question was much canvassed, Lord Palmerston declined to sanction that evacuation; and I am not sure whether he ever gave a greater proof of his sagacity. It took place, however, a few years after his death, with the concurrence of the Foreign Office. It involved Great Britain in an obligation to counteract as far as possible the evils which are flowing from it. It is not to be supposed that we intended to place a weapon in the hands of Servia to be employed against the Ottoman integrity we are bound by Treaty to defend, to be employed, in other words, against our objects and ourselves, without a title to

control or remonstrate. It is fortunate we have at Belgrade now, in Mr. White, a Representative whom long experience at Warsaw has familiarized with great events together with their passions and vicissitudes. Supported by the noble Earl, I have no doubt he will not be found unequal to the crisis he is traversing. My Lords, with a view to salutary influence, whether at Belgrade or Bucharest, or in the regions which are more disturbed, or even in Constantinople and St. Petersburg, the measure which I venture to suggest for more consideration is that both Houses of Parliament before the Session finishes should, by a well-considered Resolution, indicate their general adherence to the Treaties of 1856. The recent language of the Government, perhaps their recent conduct, on their part has proclaimed such fidelity. But so many voices in such various directions, either by violence or ambiguity or discord, have led the European world to doubt whether Parliament is more inclined to guard or to abandon the whole position the Crimean War attained, that re-assurance seems to be essential. Had Parliament been less reserved, or better understood in 1853—it is very easy to demonstrate now that such a war would not have been imposed upon us. My Lords, one cannot leave this topic without adverting for a moment to the kind of re-establishment which the public mind has lately undergone upon it. It is now seen more clearly than it was, that the interests of Great Britain on the Bosphorus continue, whether the administration of the Porte is good or bad among its subjects. Men observe, at the same time, that the fall of the late Sultan has removed the cause of many evils which were formerly deplored and paves the way for many changes to which the throne was formerly an obstacle. They know that a force sometimes aggressive, sometimes undermining, always vigilant and subtle, has been near a final triumph on the Bosphorus. They have resolved that, come what may, that triumph shall not be effected. Among the classes of society who influence events, the spirit which existed 20 years ago appears to have revived. Its revival may be deemed among the best securities for peace, because it is among the firmest barriers against attempts by which that peace would be endangered.

*Lord Campbell*

*Moved*, That an humble Address be presented to Her Majesty for extracts of any recent correspondence which has taken place between Her Majesty's Government and that of Berlin on the subject of the insurrection in European Turkey.—(*The Lord Stratheden and Campbell.*)

LORD HAMMOND: My Lords, I certainly do not rise to press Her Majesty's Government to accede to the Motion of the noble Lord, for I think nothing could be more inconvenient and embarrassing than that your Lordships should have before you a fragment of correspondence with one Power in regard to a matter in which several other Powers are engaged. But with your Lordships' permission I would wish to make some observations in regard to Turkish affairs generally. Whatever exception may be taken to the course adopted by Her Majesty's Government, and I think if they had adopted a different course, the complications in which we are involved might have been in a great measure averted, the course which Her Majesty's Government have since adopted entitles them, I would submit, to your Lordships' approval and that of the country at large; and it is satisfactory to observe that such would also seem to be the view taken of it by the Press of foreign countries in general, although a soreness, it is to be hoped only transitory, has been shown in a certain quarter. When I say that I think Her Majesty's Government would have done better by adopting a different course in the outset, I allude to the forbearance which they showed in allowing the Three Powers to assume to themselves a right to interfere in Turkish affairs to the exclusion of those countries which equally with themselves were parties to the Treaty of 1856. If this country had been admitted to their deliberations, the duration of them would have been shortened, time would not have been given for the spread of the insurrection, and an impression would not have been produced that England had become indifferent to the fate of Turkey. I have no other objection to offer to the course taken by Her Majesty's Government, so far as we are authentically informed of it. They could not have ignored the Andrassey Note when it came before them, however irregularly, for that would have been to show tamper; they could not have identified themselves with it, for they had no share in drawing it up; but they rested on the

ti Hamaïoum of 1856, and on the recent Declarations of the Porte in order to improvement in its internal administration, which had, indeed, been promulgated before the Note which is reported to recommend it was finally issued. Her Majesty's Government, deriving from what we gather from ordinary sources of information, have acted wisely in declining to take part in the proposals of the Powers, whether direct or merely shadowed forth for the future; and also in reinforcing the British Fleet in the waters of the Archipelago, proving thereby that England is not, as had been alleged, indifferent to the maintenance of the independence and integrity of Turkey as an essential element of the balance of power in Europe. It has been the fashion to imagine that the dissolution of the Turkish Empire was at hand; and in confirmation of this assumption reference has been made to the insurrection which has broken out in two remote Provinces of European Turkey, to the recent outbreak of fanaticism at Salonica, and to the many difficulties of Turkey. Much may be said in regard to the last; but it is sufficient for my present purpose to observe that those who have suffered by it would look in vain for indemnification to the dissolution of the Turkish Empire. It is not to be supposed that either the insurgents or any foreign powers were to be substituted for it, nor would it adopt its pecuniary liabilities. The outbreak at Salonica was no more than one of Mussulman fanaticism, and however much to be deplored is the fate of the victims of it, it brought it upon themselves by their imprudence. Such outbreaks have recently occurred, but no one ever saw any signs of the approaching dissolution of the Empire. My Lords, there is more vitality in Turkey than she is usually credited with. In the course of my long official life I have seen her live through difficulties which seemed to demand her immediate destruction; but she overcame them all by her own unaided means, as she would have long overcome the present insurrection, had only been left unfettered by the interference of foreign Powers. But in the dissolution of the Turkish Empire, if it is as well to consider what would be the effect of an attempt to substitute Christian for Mus-

sulman rule in the provinces of European Turkey. In Servia and Roumania there is, so to say, no Mussulman population, with the exception perhaps of about 5,000 in the former. I fear there is too much reason to suppose that Servia has been encouraged from other quarters to assume her present aggressive attitude; but Servia and Roumania both find in their connection with the Porte security for the autonomy which they enjoy, as included in the general guarantee of the independence and integrity of the Turkish Empire contained in the Treaty of 1856. Once deprived of this security, they would be open to occupation by foreign Powers, they would lose the autonomy which they possess, would become subject to laws which they knew not of, liable to fiscal burdens from which they are now exempt, to military service beyond their own frontier, and to the rule of foreign Governors, instead of that of their native Princes and of their present cherished Constitutional administration. With regard to the other Provinces of European Turkey, where the Mussulmans constitute about two-fifths of the whole population, it is not to be supposed that with all the material strength which they possess, they would submit without a struggle to be expelled from their homes and their possessions and give place to others whom they have hitherto considered subject to them; and we cannot but look with dismay on the desolation, ruin, and bloodshed which would be involved in such a struggle, in which fanaticism on either side would form a prominent feature. A solitude would be made, though it might be called peace. Of the conduct of the insurgents Mr. Consul Holmes, than whom no public servant that I know is more deserving of consideration for his calm and deliberate judgment, thus speaks in his despatch of the 28th of September—

"The revolt was assuredly arranged by Servian agitators and accomplished by force. The mass of the inhabitants, unarmed, had no choice. Their homes were devastated, and their lives threatened, and they were ordered to follow their leaders. And now the ruin is such that those who wish to submit cannot. They have no homes to go to, and the armed bands threaten all those who breathe or whisper of submission. These bands are all formed of a mixture of people from different parts of the country, and all mutually watch each other, to prevent any combination to submit. The ruin and devastation in the plain of Nevassine and

ment should be allowed to settle their own affairs without intervention on the part of the European Powers. If, moreover, Her Majesty's Government had protested against the separate action of the Three Powers at an earlier period, they might have exposed themselves to a rebuff on the part of those Powers, and it was not desirable that a Great Power should frequently tender advice that was not accepted, or offer protests which were disregarded. He preferred to look at the policy of Her Majesty's Government from a more general point of view, and he would ask whether the Government generally, during later years, had not taken such steps and enforced such resolutions as tended to re-establish the ascendancy of England in the councils of Europe, and enabled the Government to exercise a paramount influence in the solution of great questions? He thought the policy of Her Majesty's Government in relation to Russia and the East had been of a firm, honourable, and dignified character. He might first refer to the refusal of the Government to go to St. Petersburg for the proposed discussion of the rights of belligerents—a discussion which would have been conducted under influences and upon a scene decidedly favourable to the great military States of Europe, and unfavourable to the rights and claims of the secondary Powers, and especially to those of the maritime nations. That refusal of the Government to discuss the question of belligerent rights in Russia had redounded more to the honour and credit of this country with foreign nations than had been generally acknowledged. He would next point out as honourable to the Government that great act,—the purchase of shares in the Suez Canal. No step taken by the British Government had reflected greater honour upon this country abroad and in the minds of foreign Cabinets and nations than that act. The resolution and the address that had been exhibited in the conduct of the transaction and the confidence shown in the Ministers of this country by the subjects of the Queen when they undertook this great responsibility without the knowledge of Parliament and without consulting the Legislature, were attended with excellent results in foreign countries. It was regarded as a great proof of that community of patriotic

action which animated all classes and parties of our countrymen when the interests of England were at stake. By purchasing an interest in the Suez Canal the Government had given a signal and conspicuous proof that in no circumstances would they hesitate to maintain the paramount influence and interests of this country in the East. Moreover, the favourable impression which this policy had created abroad had been confirmed by the refusal of the Government to assent to the Berlin Memorandum. The Government by that act showed that they regarded their obligations to Turkey as serious, and that they were determined to respect the rights and independence of the Turkish Government. This favourable impression had been further confirmed by the despatch of the British naval force to the Mediterranean. It might be contended that this measure was not necessary, because the contingencies which might call the forces of England into action had not actually occurred, and that there was no probability that those contingencies would arise. It was true that no overt attack on the independence and integrity of the Ottoman Empire had been made, and he did not think that any had been intended. On the other hand, the action of England was not required in the case of mere internal disturbances in the Ottoman Empire. It was possible to imagine a rising in Roumania, or Turkestan, or Mesopotamia, in which no European interests were involved, and which might be left to be dealt with by the parties concerned. There might even be insurrections nearer Europe, or the revolt of a Greek island, with which it would not be the duty of the English Government to interfere; and there might be a revolt of Turkish provinces which might not bring our guarantees into action at all. Between, however, the overt attacks of a foreign Power and the simple insurrection of a Turkish province there might be another description of agitation of a very obvious and mixed character which might evoke a serious discussion as to whether our responsibilities and guarantees were involved, and whether our intervention might not be necessary on the ground of national policy. This was not the first time that questions of intervention by European Powers in the affairs of Turkey had arisen. When an insurrec-

tion broke out in the Turkish dominions that seemed to Russia to be prejudicial and hostile to her interests, she made no difficulty in interfering by force of arms. When Syria was seriously invaded by the Egyptian army, and Turkey itself was threatened, the Russian Government sent an Ambassador to Constantinople, and signed the Treaty of Unkius Skelessi. The same thing occurred in 1840, when an invasion of Turkey was threatened by the Ruler of Egypt, and when the British Government made no difficulty in securing, by an alliance of the Three Powers, the restoration of tranquillity and peace in the Turkish dominions. We could not say there might not be such an insurrection in the dominions of the Sultan, stimulated and aided by foreign sympathy and foreign support, that it might not be the policy of this country, as it had already been, to interfere even by force of arms, in combination with its allies, for the authority of the Sultan. And it was not only on the score of feeling that such a necessity might arise. The Levant had always been the scene of unexpected and unforeseen catastrophes and surprises. He need only ask their Lordships to remember Navarino, the great defection of the Turkish fleet in 1839, the massacre of Sinope, and the rupture of the Black Sea Treaty by Russia in 1870. Might not unforeseen occurrences and emergencies again arise? In the prospect of such emergencies he did not think they ought to withhold their meed of approval from the Government for rapidly concentrating our naval forces in the waters of the Levant—for we could not see at what moment aid might not be required either for the assistance of our allies, or the defence of national interests which were to us of the highest importance. No doubt some might say the conduct of the Government was justifiable with reference to our engagements while they lasted, but that it would be desirable, so far as it was consistent with national engagements and honour, to withdraw from our position with reference to Turkey, lest it should be found not only an impossible, but also an unjust one. If he believed the interests of religious toleration, the cause of general human progress and improvement, the cause of political and commercial freedom were identical with the action of the Christian insurgents

in Turkey, and of the Christian races generally in Turkey; and if he believed that the Turkish Government was hopelessly antagonistic to those interests, he should be the last to argue in favour of the maintenance of our present policy. But he thought exactly the contrary was the case at the present moment. He entirely agreed with what had been said by his noble Friend near him (Lord Hammond); and as one of the few survivors of the period of diplomatic intervention, through the Embassy at Constantinople, he would remind their Lordships that at no period had our Government or our Embassy been really indifferent to the cause of Christian improvement. As one who had served at the Embassy he was conversant with the course pursued by it and the Embassies of other Powers, and our Government had always taken the lead in aid of Christian interests and in the rights of religious toleration and equality, and had sometimes been the only advocate of them. In illustration of this the noble Lord quoted a passage from an interesting letter written by an eminent Russian diplomatist, in which he sketched the policies of different Ambassadors and described the leading feature of English policy as solicitude for the interests and improvement of the Turkish people. He could not admit that the principle of religious toleration was to be sought for on the side of the Christian population. On the contrary, he believed if they were prematurely admitted to exclusive power, it would be exercised in the most intolerant and oppressive manner. An indication of this probability had been furnished by the treatment of the Turkish population in Greece; and he feared that if the Christians became dominant in Roumania, Bulgaria, and other European States their ascendancy would be marked by persecution exceeding any that had accompanied Turkish rule. Whereas every step taken by the Turkish Government under the influence of European Powers would be a step towards toleration and respect for the rights of others, Christian ascendancy would probably produce government of a different character and tendency. Nor did he think that free trade or general improvement would be promoted more by Oriental Christians than under Musulman rule. The trade of England with Persia and Central Asia, the mainte-



nance of our communication with India, and the British capital invested in public works in India, were considerations which testified to our great interest in the maintenance of the independence and integrity of the Turkish Empire, coupled with the adoption of those improvements which he believed the Turkish Government was able and willing to make in its administration. Therefore he trusted the Government would not commit themselves too positively to the affirmation of the principle that under no circumstances could it become the policy of England to interfere for the restoration of tranquillity within the dominions of the Sultan; and he trusted they would continue to recognize, as the true policy of England, perseverance in that course which was so energetically and ably laid down in times past by Lord Palmerston as the course that ought to be pursued by England in the East.

THE EARL OF DERBY: My Lords, I certainly cannot find any fault with my noble Friend who has raised this discussion, for having, in the exercise of his discretion brought before your Lordships the general state of Eastern Affairs. There is no doubt that they are exciting deep and general interest not only in England, but throughout Europe; and while, on the part of the Government, I acknowledge—as I am bound to do—with gratitude “the prudent and patriotic reticence and reserve,” to quote a phrase used by the Prime Minister, which Parliament has observed, I have no right to object, and I do not object, when any noble Lord chooses to take the opportunity of expressing his views as to what the Government ought to do or to leave undone in the present position of affairs. I should be extremely ungrateful if I made any objection of the kind on the present occasion, because, almost without exception, every remark which has fallen from the three noble Lords who have spoken has been in a sense friendly and complimentary to the policy of Her Majesty’s Government. On the other hand, I hope I shall not be charged with disrespect to this House or discourtesy to any Member of it, if I do not, in my turn, take the opportunity of explaining and justifying in detail the policy which we have pursued. Everyone who has watched the course of foreign affairs

must have observed how very much more is made of the words of persons in official position than those words really implied; and how often it happens that a word casually dropped in debate—perhaps elicited by something which has passed in the course of discussion—has some significance attached to it, some construction put upon it, which was never intended by the speaker; and how often a phrase, used with a very simple and innocent meaning, is construed as implying something which it is not at all convenient to have imputed to the Representative of any Government. There is another reason why a full discussion is not at present possible—it would require as a preliminary that the Papers relating to what has passed should be before your Lordships, and that your Lordships should have had time to consider them. The production of these Papers, which has often been promised, has been unavoidably delayed; but they shall be laid before Parliament during the present Session, and in time for a full discussion of them, if such a discussion be thought desirable. But to lay them at the present moment on the Table would be premature and inconvenient; and, moreover, they could only be produced in a very fragmentary form. I cannot, therefore, assent to the Motion of my noble Friend (Lord Campbell). That Motion, I think, was only made for the purpose of exciting a discussion, and it is the less necessary that I should follow my noble Friend through his review of the past state of affairs, because I think that generally what he said was in favour of the course which has been pursued. My noble Friend adverted to three points—he spoke of the movement in the Herzegovina having been to a great extent directed from outside the Turkish Empire. That is a matter on which I do not care to differ with him. Next he said that the Austrian intervention was not to be justified according to the terms of the Treaty of 1856. Well, that intervention has come and gone, and the question whether it was or was not strictly within the limits of the Treaty of 1856 is now mainly an historical one. As to the third point—namely, the course which ought to be adopted towards the Government of Turkey in certain contingencies which my noble Friend defined

beforehand, that may be an interesting question for him to raise, but he would hardly expect that either I or any person holding my office should enter upon a discussion of what ought to be done in the hypothetical case which he put. But there was one suggestion of a practical character that he threw out. If I rightly understood him, he recommended that a Resolution should be passed by both Houses of Parliament asserting the maintenance of the policy of the Crimean War. I am quite aware that in making that recommendation my noble Friend intends only to strengthen and support Her Majesty's Government, and I am grateful to him for that intention; but I think that, upon reflection, he will see that the course which he proposes is one that would be open to considerable inconvenience of a practical kind. In the first place, I do not think that the course he suggested could be adopted by the Government without raising considerable discussion and great difference of opinion; and I am afraid it would follow that the difference of opinion that would be so manifested would create an appearance of even greater division than actually exists. Further, the state of things in 1856 was not the same as it is in 1876. An abstract Resolution, founded on an historical question, is not a convenient mode of dealing with events as they really occur; and if a Resolution such as he proposed were not couched in language so vague and general as to be almost unmeaning, it would tie the hands of the Government in an inconvenient degree. I am not called upon to comment on the speech of my noble Friend who spoke second in the debate (Lord Hammond), to whom I listened with the greatest possible interest, remembering as I do that he was my earliest instructor in matters of foreign policy, of which I have grateful recollections. He, as far as I could follow him, threw out some suggestions as to our conduct which I heard with attention and respect. As regards the past, I do not think my noble Friend found any fault with what we had done except that he thought that instead of allowing the Three Powers in a recent transaction to formulate their ideas and place them before us, and then expressing our dissent, it would have been better if we had insisted on having a voice in

the deliberations in the first instance. I do not, however, think that if we had done that it would have practically altered the course of events. Let it not be supposed that the influence of this country in European affairs was not felt. No one could think that really was the case who witnessed the extreme anxiety shown by all parties when the Austrian proposition of January was still in doubt. The noble Lord (Lord Napier and Ettrick) who succeeded my noble Friend has left me nothing to reply to. But I do not think I should be acting with courtesy to your Lordships if I sat down without making a very brief statement of the present position of Eastern matters as far as Her Majesty's Government are concerned. I need not go back to the time of the Austrian Note, to which we gave our assent, although not very sanguine as to its producing the effect expected from it; nor is it necessary to do more than allude to that Memorandum or Minute agreed upon at Berlin between Austria, Russia, and Germany, and which subsequently received the assent of France and Italy. We thought the propositions which it embodied open to objection, we stated our objections, and we declined to take part in it. For a time, therefore, we were in a position of isolation from the rest of Europe. The events which followed have in a great measure altered our position in that respect. When, by a bloodless revolution, the late Sultan had been deposed and his successor placed on the Throne, every one felt that in the case of a country where so much depends on the personal character and will of the Sovereign, it was a matter of course that time should be allowed to the new Sultan and his advisers to consider their position, and to take the initiative in passing such reforms and concessions as they might think likely to bring about a pacification. That was the view taken by all the Powers; and the Note which had been drawn up, founded on the Berlin agreement, was accordingly not presented. I do not know that it has been formally abandoned, but its presentation has been indefinitely adjourned—which is much the same thing. The cause of disunion between England and the other Powers is therefore removed, and we are all free, if we think fit, to enter into fresh attempts at mediation, either collectively

or separately. We are not yet informed what the propositions of the Porte for a reform of the internal administration of Turkey are likely to be, and considering the enormous difficulty of the work, I do not think we ought to be impatient. It is too early to say what we have to expect from a new reign, but I will not hesitate to state my conviction that the transfer of power from the late to the present Sultan, though an act not in any way in the slightest degree due to foreign advice or influence, was an act justified by the presence of a great public danger, and by the proved impossibility of hoping for any real reform in administration under the late reign. It has been put about that the revolution which has been accomplished is a triumph of the fanatical or anti-Christian party. Such, in my belief, is the very reverse of the truth. The late Sultan caused universal discontent, not by concessions to the Christian population, but by bankruptcy, by maladministration, and by the abuses of every kind which were allowed to grow up; and, according to my information, the change has been as popular among the Christian as among the Turkish populations of the Empire. The situation, then, is this. The Porte has been encouraged to negotiate directly with the Insurgents. The result of those negotiations is not and cannot yet be known. They may succeed, or they may fail. If they succeed, there is nothing more to be said or done by the Powers. If they fail, and hostilities begin again, we are free to interpose our mediation if, or when, we think it likely to be useful, or to abstain for the time altogether if we see no reasonable prospect of success. That any advice which we give will be disinterested it is hardly necessary to say. I cannot, of course, affirm that it will be taken—but I think it will be listened to by the Porte as the advice of a friendly Power, and by Europe as the opinion of a Power which wants nothing except the maintenance of peace. My Lords, I do not know whether any words of mine are likely to have weight, but I would deprecate if I might all hasty and hostile criticism of the conduct of foreign Powers. The situation is very complicated. Even in countries not possessing Parliamentary Government, public opinion is a force which must be taken into account; and, for my part, I see no reason to doubt

that all the great Powers, without exception, would be glad to bring about the end of a quarrel which has in it so many elements of danger, not to Turkey alone, but to other States. For us, our general line of action is clear. We would gladly reconcile, if we could, the Porte and its insurgent provinces; but we have, as I conceive, no right and no wish to take part with one against the other in a purely internal quarrel. That is the rule on which we have acted, in times not remote and in the case of civil wars far more extensive and more sanguinary. I do not wish to lay down that rule as absolutely and universally binding. Human affairs are too complex and too changeable to be regulated by any formula, but it is our general principle of action, and, I think, a sound one. We feel bound, as I have said, to leave to the Porte the initiative in its own affairs; but we have been and are in communication both with the Porte and with other Powers with a view to offer such counsels as seem to us likely to be useful. I have heard it suggested that we are supposed to be thinking too much of the interest of the Turks, and too little of that of the non-Mahomedan races. I am utterly unaware of any foundation for that charge. No one supposes that the maintenance of the Ottoman Empire in any form within Europe is possible if there is to be permanent disaffection and discontent among the Christian races. They are in European Turkey a majority too numerous and too powerful by intelligence and wealth to be kept down by mere force. That is as well understood by every person who has any claim to be called a statesman at Constantinople as it is here. The problem to be solved is how to reconcile their reasonable wishes and claims with the maintenance of that general system to which all Europe is pledged, and which cannot be overthrown without a general convulsion extending far beyond European limits, and leading to many complications which we can hardly foresee. It is one thing to say at any given moment—"We will not try to mediate, because our interposition would probably do no good," and it is quite another to lay down as a general rule that we have nothing to do with the matter, and will let events take their course. The former course may be one dictated by reason and prudence.

*The Earl of Derby*

the latter is the language, as it seems to me, not of statesmanship, but of mere indolence and despair.

EARL GRANVILLE said, that the noble Earl (the Earl of Derby) must be perfectly aware that there was great anxiety on this question in the public mind, and that it was therefore very desirable that information should be given on the subject; but after the statement of the noble Earl that, in the opinion of Her Majesty's Government, it was not desirable to give further information than they had given, and after the promise made in that and the other House of Parliament that information would be given at no very distant period, he had not the slightest wish to press Her Majesty's Government on that point. With regard to their policy, even if he wished to refrain from blaming Her Majesty's Government he had this difficulty—he did not know exactly what they were doing or what their policy was. A noble Lord (Lord Napier) had referred to a matter which was only indirectly connected with the subject of the insurrection in the Turkish Provinces—namely, the purchase by Her Majesty's Government of Suez Canal shares. He (Earl Granville) was not a great admirer of that transaction, and up to the present moment he had not seen the great political results which might have been expected from it. With regard to the question of the Berlin Memorandum, he thought Her Majesty's Government were right in not adhering to that Memorandum. He was, indeed, in ignorance at that moment what that Memorandum was, and he must reserve his opinion upon it till he had further information. With regard to the sending of a Fleet to Besika Bay, we did not know whether that course was adopted at the suggestion of any other Power, or what was the motive which influenced Her Majesty's Government in taking that course; and therefore, until he was aware of all the circumstances of the case, he thought their Lordships would agree that he was right in reserving his opinion on that subject. Those who sat on that side of the House were not in the slightest degree negligent of the important interests which Great Britain had in the settlement of the question. On the other hand, it should be understood that they would not refuse to co-operate in any course which might clearly lead to the most

efficacious means of maintaining peace, and of arriving at a satisfactory settlement of this question. But above all it should be understood that those on that side of the House were not unmindful of the obligations which Turkey took upon itself by the Treaty of 1856 with regard to its Christian subjects. He was very glad to hear the assurance given by the noble Earl that Her Majesty's Government would use their influence derived from that Treaty in seeing that justice was administered by the Turkish Government with regard to the Christian population.

LORD CAMPBELL said, that after the statement of the noble Earl the Secretary of State he would withdraw his Motion.

Motion, by leave of the House, *withdrawn.*

House adjourned at a quarter to Nine o'clock, till to-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 26th June, 1876.*

MINUTES.]—SUPPLY—considered in Committee —NAVY ESTIMATES.

PUBLIC BILLS — Ordered — First Reading — Turnpike Acts Continuance, &c.\* [209]; Limited Owners Residence (Ireland);\* [210].

Second Reading—War Department Post Office (Remuneration, &c.)\* [206]; Tramways Orders Confirmation (Bristol, &c.)\* [203]; Medical Act (Qualifications)\* [170]; Medical Practitioners\* [81].

Committee—Supreme Court of Judicature (Ireland)\* [161]—R.P.

Committee — Report—Settled Estates Act (1856) Amendment\* [193].

Considered as amended—Poor Law Amendment [190], debate adjourned.

## REGISTRY OF DEEDS OFFICE (IRELAND)—LEGISLATION.—QUESTION.

MR. O'CONNOR POWER asked the Secretary to the Treasury, If it is the intention of Her Majesty's Government to introduce, this Session, a Bill effecting alterations in the working of the Registry of Deeds Office (Ireland); and, if so, whether inducements will be held out to the officials in this and other public de-

partments where the recommendations of the Playfair Commission are not in operation, to retire on pension; and, whether the Treasury is at present prepared to entertain applications for retirement on pension from those officials?

MR. W. H. SMITH, in reply, said, that the Government intended, if possible, to bring in a Bill that Session in regard to the working of the Registry of Deeds Office (Ireland), and, if not, early next Session. If the legislation took the form of a reduction of the Staff, the ordinary rules applicable to the public service would be applied to the Office in question.

#### SCOTLAND—FATAL FIRE IN AYR.

##### QUESTION.

LORD LINDSAY asked the Secretary of State for the Home Department, If his attention has been called to the unfortunate fire which occurred in a cotton mill in Ayr, by which a large number of lives have been lost; and, if he is rendering such assistance as is necessary to enable the inspector and the jury to ascertain the reason why these work-people were unable to make their escape?

MR. ASSHETON CROSS, in reply, said, that immediately after the occurrence of the fire the Procurator Fiscal made a searching inquiry into the origin of the fire, and of the causes which led to so great a loss of life. On account of the great difficulty of approaching the ruins, and of recovering the bodies, the inquiry had not yet been completed. Every assistance was being given by the town authorities, and if it should appear that there had been any neglect of the provisions of the Factory Act by the proprietors of the mill, the Inspector would be at once communicated with; but, so far as the inquiry had gone, there did not appear to be any ground for such a suspicion. The Lord Advocate had put himself in communication with the Procurator Fiscal on the subject, and it would receive the utmost attention.

#### ARMY—THE MONCRIEFF SYSTEM OF ARTILLERY.—QUESTION.

COLONEL BERESFORD asked the Secretary of State for War, If he will lay upon the Table of the House a com-

munication, dated July 8th, 1875, giving Major Moncrieff reasons for recommending the further development of his system of artillery, and requesting inquiry?

LORD EUSTACE CECIL: It is not the custom to publish *ex parte* statements of gentlemen who communicate with the Public Offices without the publication (which would be manifestly improper) of confidential replies made to them by the officers of the Department.

#### INDIA—MADRAS IRRIGATION COMPANY.—QUESTION.

MR. SMOLLETT asked the Under Secretary of State for India, Whether interest has been paid upon the debenture debt due to Government by the Madras Irrigation Company for the years 1874 and 1875, a period during which repayments of the principal sums due have been postponed as a matter of grace and favour by the Secretary of State, or whether any interest on this debenture debt has ever been paid since 1866; whether it be true that the sums needed for the working of the navigation and irrigation canals of this Company have been defrayed for some years by the Government of India, less the receipts from the works; and, if so, why this charge is met by the Indian Exchequer while the undertaking is in the possession of private parties; whether there is any present intention on the part of the Secretary of State for India to receive a transfer of these works from the existing shareholders, and to guarantee payment of the private debenture debts, understood to be very considerable; and, whether he will undertake, before the works are acquired, to place upon the Table of the House a Return showing distinctly the actual indebtedness of this undertaking?

LORD GEORGE HAMILTON: Sir, no interest has been paid by the Madras Irrigation Company upon the debenture debt due to the Government, which debt was contracted upon an Act of Parliament. The receipts from the irrigation do not equal the working expenses, and the sum necessary to meet the deficiency has been advanced out of the revenues of India; but the Company has been informed that no further advances will be made on this account. In any negotiations which may be entered into, the main object of the Government will be

*Mr. O'Connor Power*

to reduce the annual burden which has been imposed upon the Indian Treasury by the agreements which have been entered into with the Company. If the hon. Gentleman wishes for further information as to the income and indebtedness of the Company, and will move for such a Return, we shall be glad to give him any information which it may be in our power to grant.

#### NATIONAL SCHOOL TEACHERS (IRELAND)—CASE OF MICHAEL MOYNA.

##### QUESTION.

**MR. W. JOHNSTON** asked the Chief Secretary for Ireland, Whether his attention has been called to the Petition of Michael Moyna, formerly teacher of Three Mile House National School, county Monaghan, presented to this House on the 28th April last; and, whether he will cause an inquiry into the whole circumstances connected with his leaving Ireland, with a view to his restoration to his former position as a teacher under the National Board?

**SIR MICHAEL HICKS - BEACH:** Yes, Sir, my attention has been called to the Petition in question. The teacher, Michael Moyna, was dismissed not only for infringing the regulations of the National Board on Education by taking active part in the election of Poor Law Guardians in his district, but also for breaking the law by signing to voting papers the names of voters who were dead, and witnessing them in his own name. After his dismissal he left Ireland for America, of course, at his own option; and under all the circumstances I do not think it would be advisable that he should be restored to his position in the employment of the National Board of Education.

#### ARMY — THE GRENADIER GUARDS—DEATH OF COLOUR-SERGEANT BROWN.

##### QUESTION.

**MR. J. HOLMS** asked the Secretary of State for War, Whether it is true that Sergeant Brown, of the 3rd Battalion of Grenadier Guards, on returning from exercise at Wormwood Scrubs on or about the 12th instant, was suddenly taken ill, and died in hospital; and, whether he will state if an inquest has been held; and, if, not, why not?

**MR. GATHORNE HARDY**, in reply, said, Colour-Sergeant Brown, 3rd Battalion Grenadier Guards, was taken ill on parade immediately after return of the battalion from Wormwood Scrubs; he was admitted to hospital, and died about 4½ hours after admission from apoplexy. As he had been treated in the hospital, and as his death was from natural causes, the surgeon major of the battalion did not consider that there was anything to justify him in applying for a coroner's inquest.

#### INLAND REVENUE—OUT-DOOR EXCISE ESTABLISHMENT.—QUESTION.

**MR. MONK** asked Mr. Chancellor of the Exchequer, in reference to the Recommendations of the Civil Service Commissioners, dated the 23rd day of July 1875, as to the Out-door Excise Establishment, and of the Treasury Minute relating thereto, dated the 15th day of March last, When the alterations decided upon will take effect?

**THE CHANCELLOR OF THE EXCHEQUER**, in reply, said, he trusted the hon. Gentleman would not think him wanting in courtesy if he declined to answer the Question. The recommendations dated July, 1875, were in the hands of the House; but in regard to the Treasury Minute, it had never been made public, and there was very great inconvenience in Questions being publicly put on matters involving large interests in relation to the Civil Service.

#### NAVY—THE ARCTIC EXPEDITION — THE ADMIRALTY INSTRUCTIONS.

##### QUESTION.

**CAPTAIN PIM** asked the First Lord of the Admiralty, Whether he has any objection to lay upon the Table of the House the Admiralty instructions to Captain Nares, and also those given to Mr. Allen Young, for whom a sum of £8,000 is to be taken in Vote 14 of the Navy Estimates, under the head of "Communication with the Arctic Expeditions by Mr. Allen Young?"

**MR. HUNT**, in reply, said, that the Instructions had already been laid on the Table.

#### MERCHANT SHIPPING ACTS—MERCHANT SEAMEN DESERTERS.

##### QUESTION.

**MR. BIGGAR** asked the President of the Board of Trade, If his attention has

been drawn to the case of Henry Jacobs and John Scott, two seamen, who were reported to have jumped overboard in the Thames from the ship "*Cullmon*" rather than go to sea when they found to whom the ship belonged, and are now undergoing six months' imprisonment for so doing; and, whether he will direct that the shipping master before whom the men sign articles should make the men acquainted with the names of the owners before they sign articles?

SIR CHARLES ADDERLEY: Sir, my attention has been called to the case of Henry Jacobs and John Scott, who jumped into the river at Gravesend to get into a boat to desert from the *Cal-lirrhoe*, not *Cullmon*, as the ship is named in the Question. They were pursued and taken before the Mayor and sentenced to six weeks imprisonment—not six months as stated by the hon. Gentleman. They could not have truly pleaded that they had not known the owner of the ship, as, before they signed the articles at Tower Hill, they were, as is always done, fully informed of the owner's and master's name. For the same reason I cannot direct shipping masters to give such information generally, as they are bound to give it always, and in fact always do give it. This case, among many others, involving great loss to the ship and the fraud besides of making off with advance notes, shows the necessity of stringent punishment for desertion. The Mayor of Gravesend, who tried the case, expressed his opinion that these men had joined with the purpose of desertion, to get their advance notes, and repeat the trick.

#### METROPOLIS—PAVING, CLEANSING, AND LIGHTING.—QUESTION.

MR. BAILLIE COCHRANE asked the Chairman of the Metropolitan Board of Works, Whether, under the Metropolitan Local Management Act, powers were given to the Metropolitan Board of Works not only for the purposes of sewerage and drainage, but also in respect of the paving, cleansing, and lighting of the Metropolis; and, if so, whether his attention has been drawn to the state of the streets in some parts of the Metropolis, especially in the Knights-bridge district; and, whether some better arrangement cannot be made for cleans-

ing and purifying the great thoroughfares?

SIR JAMES HOGG: Sir, in answer to the Question of my hon. Friend, I have to inform him that under the Metropolis Local Management Acts the powers as to paving, watering, and lighting streets were expressly placed under the control and management of the Vestries and District Boards, and not of the Metropolitan Board of Works; and that in every Act extending the powers of the Metropolitan Board as to making new streets, the obligation has been put on the last-named Board to give up the streets when completed to the Vestries and District Boards, to be managed by them as to paving, watering, and lighting. I should state that as regards two of the Thames Embankment roadways these provisions originally inserted in the Acts have been altered by Parliament, and they have been placed under the control of the Metropolitan Board for all purposes.

#### TURKEY—ALLEGED MASSACRE IN BULGARIA.—QUESTION.

MR. W. E. FORSTER: The House will, I trust, allow me to make a few observations in explanation of the Question which I wish to ask the Prime Minister, and of which I have given him Notice, respecting the atrocities alleged to have been committed by the Turkish troops in Bulgaria, and especially described in a letter printed in *The Daily News* of last Friday. Many hon. Members will have read that letter, but for the information of those who have not, I may state that it described with much detail the total destruction of many villages and the massacre of their inhabitants, men, women, and children, by Turkish troops. Those troops are stated to have been generally irregulars, but the name of a Turkish Pasha is given as implicated in the outrages, and it would not appear that the inhabitants of these villages were actually in rebellion. As a rule I should not think of asking the Government a Question either with regard to the treatment by a foreign Government of its subjects or as regards the correctness of anonymous statements in any newspaper, however respectable and influential; but it seems to me important, in forming an opinion on affairs in Turkey, in which we appear just now to be

*Mr. Biggar*

unfortunately much involved, that if allegations such as I have stated are true we should be aware of them, and that if false we should not be misled by them. I should not be acting fairly to the House if I did not add that since last Friday I have received information, not from the office of *The Daily News*, but from a quarter which is certainly not prejudiced against the Turkish Government, which information appears to me to confirm the substantial truth of these distressing statements. This, however, only makes me the more anxious to know whether the Government have obtained from official sources any contradiction or confirmation, and I, therefore, beg to ask the right hon. Gentleman, Whether he can give the House any information with regard to the truth of the statements which have recently appeared in the public papers, and especially in the "Daily News" of June 23rd, respecting the cruelties alleged to have been committed by the Turkish troops in the suppression of the insurrection in Bulgaria?

MR. DISRAELI: Sir, we have no information in our possession which justifies the statements to which the right hon. Gentleman refers. Some time ago, when troubles first commenced in Bulgaria, they appear to have begun by strangers entering the country and burning the villages without reference to religion or race. The Turkish Government at that time had no Regular troops in Bulgaria, and the inhabitants, of course, were obliged to defend themselves. The persons who are called Bashi-Bazouks and Circassians are persons who had settled in the country and had a stake in it. I have not the slightest doubt myself that the war, if you can call it a war, between the invaders and the Bashi-Bazouks and Circassians was carried on with great ferocity. One can easily understand, under the circumstances under which these outrages occurred, and with such populations, that that might happen. I am told that no quarter was given, and no doubt scenes took place which we must all entirely deplore. But in the month of May the attention of Sir Henry Elliot was called to this state of things from some information which reached him, and he immediately communicated with the Porte, who at once ordered some Regular troops to repair to Bul-

garia, and steps to be taken by which the action of the Bashi-Bazouks and Circassians might be arrested. Very shortly after, the disturbances in Bulgaria seem to have ceased. That is all the information I have to give the right hon. Gentleman on the subject, and I will merely repeat that the information which we have at various times received does not justify the statements made in the journal which he has named.

#### ARMY MEDICAL OFFICERS.

##### QUESTION.

DR. WARD asked the Secretary of State for War, If it is true that Medical Officers who were appointed by His Royal Highness the Commander in Chief to the medical charge of regiments for five years, prior to the issue of the last new Warrant of April 1876, are to be removed from those regiments and sent on Foreign Service before the completion of said period of five years?

MR. GATHORNE HARDY: Yes, Sir, they are; as by the recent medical Warrant of the 28th of April, 1876, the Department has become unified, and the paragraph attaching medical officers to regiments for five years, as a rule, under the Warrant of 1873, has been abolished. All medical officers, whether formerly attached to regiments or depôt brigades, or not, are now placed on one general roster, according to their service at home, sending abroad first those who have served at home longest. I may mention that the first of these has not served out of this country for 15 years.

#### INDIA—ACTS OF THE LEGISLATIVE COUNCIL.—QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for India, Whether he has any objection to lay upon the Table of the House, Copies of the Acts passed by the Indian Legislature, either from time to time or periodically?

LORD GEORGE HAMILTON: Sir, until 1858 it was the practice to lay Acts of the Legislative Council of India upon the Table of the House, and I do not know why the practice was discontinued. There will be no objection to lay in future, upon the Table of the House Indian Acts after they have received the sanction of the Secretary of State for India.



**TURKEY—THE PLAGUE IN BAGDAD.**  
QUESTION.

MR. TWELLS asked the Under Secretary of State for Foreign Affairs, If his attention has been directed to the alarming reports circulated of the existence of plague in Bagdad, and to state what reports concerning the disease and mortality Her Majesty's Government has received from Her Majesty's Consul General at Bagdad, and the present sanitary condition of that city and the neighbourhood; and, further, to inquire if the stringent quarantine restrictions imposed by the Turkish and Egyptian authorities against ships arriving in the Red Sea from the Persian Gulf have been strictly in accordance with duly notified regulations, and if British shipping and shipping of all other nations have alike been impartially subjected to them?

MR. BOURKE, in reply, said, that the attention of the Government had some time ago been called to the subject of the hon. Gentleman's Question, and that reports had been received from Her Majesty's Consul at Bagdad with respect to it. The first disease which broke out did not appear to have been the plague, but some other form of epidemic; a report, however, had been lately received which stated that it had turned into that very dreadful disease. The last Report on the subject was received yesterday, and it was dated at Bagdad the day before. According to that, it appeared that the disease might be said to be to a great extent worn out. It was to this effect—"No deaths in Bagdad from plague during last three days. Health generally good." The number of deaths in February, and in March, he might add, was 259, in April 1,717, in May 1,550, while in June they were only 143, making a total of 3,669. According to Dr. Colville, the resident doctor at Bagdad, he said it was the real plague, and that it had been brought into the city from the low country lying between the Tigris and Euphrates, but he did not consider quarantine to be necessary in the case of passengers, although it might be with regard to the sending of wool. As to the restrictions on shipping, complaints had been made by the British Consul at Jeddo to the Turkish and Egyptian authorities, that British ship-

ping was subjected to vexatious quarantine regulations which were not imposed on the vessels of other nations, and a correspondence on the point had for some time been going on with the Turkish Government. He need hardly assure his hon. Friend that the Government would use every exertion to obtain for British shipping the favourable treatment to which it was entitled.

**CHANNEL ISLANDS—THE JERSEY STATES.—QUESTION.**

MR. LOCKE asked the Secretary of State for the Home Department, Whether it is competent for the Jersey States to criticize the enactments of the Imperial Legislature, and question the propriety of Orders in Council legally and regularly made; if not, whether steps will be taken to protect the privileges and dignity of Parliament?

MR. ASSHETON CROSS, in reply, said, he could only refer the hon. and learned Gentleman to the Report of the Royal Commission which inquired into the laws of Jersey in 1847. From that Report it appeared that the Jersey States had legislative power, and that the form which this authority now assumed was that of Orders of Her Majesty in Council. The Orders were registered in the Royal Court, and were not binding in law until such registration was effected. This was settled by the Code of 1771. It was, however, declared by the same Code that it was competent for the Royal Court, in any case where the Order in Council appeared to be contrary to the charters or privileges of the Jersey States to suspend the registration until the pleasure of the Crown was further taken; although, if the Crown did not withdraw the Order, it must be registered.

**THE "MISTLETOE"—FURTHER INQUIRY.—QUESTION.**

MR. ANDERSON asked the Secretary of State for the Home Department, If, he will consult with the Law Officers of the Crown as to applying to the Gosport Coroner's Jury on the "Mistletoe" disaster the precedent that has just been successfully adopted in the Balham case, and move for a writ *ad melius inquirendum*, so as to institute a complete inquiry under a new Commission?

**MR. ASSHETON CROSS**, in reply, said, he thought the hon. Member would see on reflection that there was no analogy between the two cases. In the case of the Balham inquiry the Court had quashed the inquisition and ordered the coroner to hold a second inquiry into the circumstances of the case; whereas in the case of the *Mistletoe* a second inquiry had already been held by another Court.

**CRAB AND LOBSTER FISHERIES (NORFOLK) BILL.—QUESTION.**

**MR. MELDON** asked the Secretary of State for the Home Department, Whether, in the event of the Motion to refer the Crab and Lobster Fisheries (Norfolk) Bill to a Select Committee being withdrawn, the Government are prepared to advise the appointment of a Select Committee to inquire into the necessity for legislation with the view of protecting the Crab and Lobster Fisheries throughout the United Kingdom?

**MR. ASSHETON CROSS**, in reply, said, the Crab and Lobster Fisheries (Norfolk) Bill was founded on an inquiry made by the Fishery Inspectors. It had the unanimous approval of the fishermen and of the owners of fisheries, and therefore he should like to have it passed, if possible, this Session. He was perfectly willing, however, that in the Recess an inquiry should be instituted by the Inspectors for the whole Kingdom, so that next year a Bill not limited to Norfolk, but operating throughout the United Kingdom, might be introduced.

**PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.—QUESTION.**

**THE MARQUESS OF HARTINGTON**: Sir, I believe that the course of the Business of this House for the present week was stated to this House on Friday last by the Chancellor of the Exchequer, and I have no Question therefore, to ask on the subject. I wish, however, to ask the right hon. Gentleman at the head of Her Majesty's Government a Question with reference to a Notice which has been placed on the Table by my hon. and learned Friend the Member for Oxford (Sir William Harcourt), relating to the Papers on the subject of the Extra-

dition correspondence with the United States. The Question I wish to ask is, Whether it will be in the power of the right hon. Gentleman to give any facilities to my hon. and learned Friend to bring on that discussion? My hon. and learned Friend will, of course, if necessary, take his own chance of bringing forward that discussion, but I wish to point out that my hon. and learned Friend could have no opportunity of doing so for a month at least, and it is very likely that he might fail altogether. Looking to the importance of the subject and the desirability of having a discussion on it, I consider that neither of these contingencies would be desirable. I also wish to ask whether, now that the last set of Papers relating to Egyptian affairs has been laid on the Table, the right hon. Gentleman will name a day on which he proposes to take the discussion on the Vote for the expenses of Mr. Cave's mission? I have also been requested by many of my Friends to ask, whether it will be in the power of the right hon. Gentleman to make a statement as to the intentions of the Government respecting the University Bills? I know that in the arrangements of the Government for this week those Bills are not included. I do not ask the Government to state precisely on what day they will bring them forward; but it may be in the power of the right hon. Gentleman to say, in the event of the Business set down for this week being disposed of, what is the next important Business which it is the intention of the Government to take up?

**MR. DISRAELI**: Sir, I propose to place the Cambridge Bill on the Paper as the First Order of the Day for Thursday, the 6th of July. With reference to the noble Lord's inquiry respecting the Extradition Papers and the Motion contemplated by the hon. and learned Gentleman, I would observe that those Papers are not yet completed. We ought, before discussing the question, to have before us the despatch of Mr. Secretary Fish, and also the answer of Her Majesty's Government. The answer of Her Majesty's Government to that despatch is written, but has not yet been sent, though, probably, it will be sent immediately. With regard to giving facilities to the hon. and learned Gentleman the Member for Oxford, I may say it is always my duty and pleasure

to assist the course of Public Business; but I should hardly like to fix any day for the discussion of the subject until I have seen the terms of the Motion of the hon. and learned Gentleman. He has only given Notice of a Motion without stating what the Motion is to be, and, of course, at this period of the Session, I must weigh the circumstances which may influence me in advancing other measures before I can indulge myself in the pleasure of obliging the hon. and learned Gentleman opposite. Of course, when I see the Motion, I will state the course which the Government may think it their duty to take with respect to it. Under the circumstances, I think it is desirable that before the House consider the question they should be in possession of two of the most important documents which the issue had produced—namely, the statement of the case of the United States Foreign Minister and the answer of Her Majesty's Government. With reference to the third inquiry of the noble Lord respecting the discussion on the question of the Suez Canal and the mission of Mr. Cave, I would also remark that, although the Papers connected immediately with the purchase of the Canal are complete and are in the possession of the House, yet a great many other Papers will be presented which are immediately connected with the surtax question and also with the administration of the Canal, and which I think it desirable that the House should possess before we enter into any discussion. Therefore, I will only say at present that I will take care ample Notice is given to the noble Lord and his Friends before we ask for a Vote.

#### SUPPLY—COMMITTEE.

MR. DISRAELI: I have now to move that this House do immediately resolve itself into a Committee of Supply. It is a formal Motion made in consequence of Supply being a dropped Order from the House terminating its sitting rather abruptly on Friday. I mention this because a misapprehension has existed in some quarters as to the nature of this Motion as if it were an invasion of the privileges of hon. Members. Every privilege of hon. Members may be exercised as usual on the Question being put from the Chair.

Motion agreed to.

*Mr. Disraeli*

*Resolved, That this House will immediately resolve itself into the Committee of Supply.—(Mr. Disraeli.)*

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### ADMINISTRATION OF THE NAVY.

##### MOTION FOR A ROYAL COMMISSION.

CAPTAIN PIM rose to move—

"That, considering the present administration of the Admiralty is practically that introduced and adopted by this House in 1833, on the recommendation of Sir James Graham; and considering the advance made in Naval armaments and the unsatisfactory condition of the personnel and materiel of Her Majesty's Navy, it is desirable that a Royal Commission be appointed to inquire and report whether the present system under which the Navy is administered is the most efficient and most economical, and what improvements or amendments, if any, it would be desirable should be introduced."

The hon. and gallant Member said, that the wretched state of our Navy was every day becoming more notorious, and people began to understand that never before were our ships so indifferent and our officers and men so little cared for, and consequently so discontented. The House voted plenty of money to give the country a splendid Navy and the command of the seas; but under the present system this money was to a great extent wasted. When, in 1833, Sir James Graham, then at the head of the Admiralty, re-organized the administration and civil departments of the Admiralty in a fluctuating Board of Admiralty, personal responsibility as well as every check to extravagance came to an end. The effect of this change was anticipated at the time by every one experienced in the administration of naval affairs. Mr. John Wilson Croker, speaking on an experience at the Admiralty of 22 years, denounced the proposed change in strong terms, and said—

"That if such a system were adopted he knew what must happen—the subordinate or executive chief of the Department must obey without remonstrance, and they could be subject to no responsibility. What with despotic command on the one hand, and servile subordination on the other, all checks would be at an end, and responsibility nowhere exist."

And similar opinions were expressed by such men as Mr. Goulburn, Admiral Sir Byam Martin, Sir George Cockburn, and other eminent persons. Well, what had been the result of the re-organiza-

tion of the Admiralty by Sir James Graham? The consequence had been that our naval expenditure had increased from £4,500,000 in 1833, to an expenditure, on an average of 10 years, of £11,000,000 a-year. No doubt, the amount voted was of secondary importance, if only the Navy were kept in really efficient order; but the degree of inefficiency to which we had arrived only too clearly indicated the waste of this money. As to the *personnel* of the Navy, he deeply regretted to say there was not a single class in the Service without just cause of complaint. He had in his hands statements printed and circulated by nearly every class of executive officers, describing the grievances under which they lay. Such a course had never been known when he was young in the Service. From the cadet to the Admiral there was room for reform. The masters, engineers, surgeons, and Paymasters had all injustice and inequalities to complain of as respected pay, position, and promotion. The case of the masters was a disgrace to the Service; they were the very backbone of the Royal Navy—the best seamen and navigators in the Fleet, and without any substitute for them he could not conceive how they could afford to abolish them. The navigating officers were the most useful men in the Service. The treatment of the Warrant officers was such as to give the idea that it was the object of the Admiralty to get rid of them altogether. The policy adopted towards the Royal Marines was simply suicidal—they were a magnificent body of men, absolutely unequalled under arms—in fact, our men-of-war could not be manned without them. Yet their memorial set forth that the 22 senior lieutenants of the corps were not in the 16th year of their service; and such was the stagnation in the higher ranks that it amounted to an absolute block to promotion; 1,108 captains in the Army and several majors were actually junior in the Service to these lieutenants. With regard to the seamen the case was still more serious. The number of *bona fide* seamen (including pensioners) who had left the Service from all causes during the year 1872-3, the last printed Return, appeared to have been, according to the Return, as follows:—By purchase, 48; invalided, 647; died, 124; deserted, 800; disgraced, 6; pensioned for long ser-

vice, 310; objectionable, 42; coast-guard on shore, 265; other causes, 165; total, 2,847. Of this number, no less than 800 deserted in 1873. Last year no less than 1,100 men deserted; so that the discontent was steadily increasing. The men would not remain a moment longer on board a man-of-war than they could help. One glance at the youthful appearance of the crews proved that. They no longer saw the weather-beaten, grisly petty officers, prime seamen, the heart and soul of the ship's company, the natural leaders of the men in any emergency, whether of storm or battle. The men would not stop, and the House would be astonished at the number of commitments to prison, and other punishments inflicted, to keep up the very ordinary discipline of the present day in the Fleet. Take the case of the *Challenger*. That ship, as hon. Members were aware, had returned from an exceptionally pleasant cruise, where the men were well treated, no doubt, and more or less picked men; but out of a crew of 240, some 60 deserted during the cruise of the ship—say 25 per cent of her ship's company. As to the Royal Naval Reserve, it was thoroughly unreliable, not to say useless. This year Parliament had voted a sum of £240,000 to provide for 20,000 men; but he ventured to say that on an emergency not 1,000 men could be obtained even by pressing. In war time they could not take one single man from their Merchant Service; they must have food, and their merchant ships must bring in that food constantly, or they would starve, as the island never had more than two months' provisions in stock at the same time. Their so-called Naval Reserve was useless, and they were worse than wasteful in spending their money upon it. He now came to the *matériel* of the Navy. Our iron-clad ships were of so heterogeneous a description that it would be impossible to classify them; but he would take a few typical examples, sufficient to show how little they were to be relied on in the hour of need. The hon. and gallant Member proceeded, at great length, to read Reports on the efficiency of various iron-clad ships. The *Research*, he said, had proved such a bad sea boat that in a coasting voyage, in moderate weather, her captain was nearly washed overboard from the central battery; the *Vixen* and the *Waterwitch* rolled and

pitched to such a degree that the crews went aft in a body, and protested against being sent to sea in such unseaworthy vessels. The *Pallas* was built expressly for speed, yet the *Pallas* and *Research* were the only two vessels that could not keep company with the squadron. The *Bellorophon* was to have surpassed every other iron-clad, but what was her practical performance? Admiral Yelverton reported of her that she ranked below the *Lord Clyde*, and on a par with the *Caledonian* and the *Ocean*—these last being wooden line-of-battle ships converted into iron-clads to meet an emergency. The *Vanguard* class was to be weighed by the result of the trial trip of the *Invincible*, when that ship on her return had the appearance of being on her beam-ends. She was actually heeling over 17 to 18 degrees, and the greatest anxiety prevailed on shore for the safety of the ship. The *Audacious*, *Iron Duke*, *Triumph*, and *Swiftsure* were equally bad, and on an average 400 tons of ballast had to be placed on board of each of these vessels. Then as to our coast defenders, the *Devastation* and *Thunderer* class, Admiral Sir Thomas Symonds said—

"I should be afraid to go at any great speed at sea with them (the *Devastation* class); I have seen very heavy seas, and I know no limit to their power. If steaming, you are obliged to go at a certain speed, or you drown yourself. All I know is, that so far as I am myself concerned, I should be very sorry to be in those vessels."

He (Captain Pim) could hardly speak with patience of huge mastless iron-clads as coast defenders. Coast defenders, indeed! Why, putting on one side the unseaworthiness of these vessels altogether, what did they want, he asked, with such coast defenders? The first thing they must do in war was to blockade any enemy's ports—shut them up—fancy one *Alabama* only amongst their commerce! What they wanted was a vessel capable of keeping the sea under sail in any weather. He should like to ask hon. Members if it was possible for the *Devastation* to keep the sea off the Elbe in a gale of wind! Why, she would be smothered. What they wanted was a cloud of gunboats able to carry sail in all weathers, and to claw off a lee shore under sail; they should have a crew of above 25 men, one heavy gun, full brig or schooner rig, and steam power for action; with four of these

vessels the finest iron-clad ever built in the world could be easily destroyed. In short, every one asserted in unmistakable language that their unwieldy, unmanageable iron-clads—

"were not safe when near land or one another, at sea, at anchor, or in bad weather, without steam power."

The gallant Sir George Sartorius, Admiral of the Fleet, said—

"They are equally unfit for the exigencies of coast or distant warfare; and for the blockading of an enemy's ports, impracticable."

The Report, 1872, of the Scientific Committee appointed by the Lords Commissioners of the Admiralty to examine the designs of ships recently built, was to the effect that diligent research throughout the Royal Navy was in vain to discover even one type of ship as desirable to reproduce. He repeated that nothing could be more unsatisfactory than the present state of the Royal Navy. And nothing was more easy than to remedy it. The nation and the Navy united as one man in pointing to the Admiralty as responsible. And how could the country expect anything but mismanagement and misrule from a Department so curiously constituted? In less than 50 years there had been more than 20 changes in the First Lord of the Admiralty, whose tenure of office had, on an average, been about two years. The hon. and gallant Member then quoted from the Report of the Select Committee on Navy, Army, and Ordnance Estimates of 1858 numerous instances of waste and extravagance which had resulted from the bad constitution of the Admiralty—

"In 27 cases investigated, the Admiralty bought back the old copper from the purchaser of a ship at a greater price than that for which they sold the ship itself, including the copper, costly engines, and other valuable stores."

Some instances were stated of fortunate purchasers of a ship receiving back from the Admiralty (for the old copper returned) two, three, four, and even five times over the original price they had paid for the ship, &c.

Mr. E. J. REED wanted to know whether the hon. and gallant Gentleman was quoting now from the Report of the Committee, or the Report of the hon. Member for Lincoln (Mr. Seely), which was rejected by the Committee?

*Captain Pim*

CAPTAIN PIM said, the hon. Gentleman would find it in the Library. He had found it there himself. He found that of the ships valued by the Dockyard authorities for breaking up, some were sold at about one-half the estimated value of the old materials. The Report went on to assert—

“If the cost of all the iron-clads built in Her Majesty's Yards between 1858 and 1865 bears the same proportion to the cost, as that of *Achilles* to the *Black Prince* and *Warrior*, the excess cost of Admiralty-built iron-clads during these years has been £1,663,000 on an expenditure of £3,500,000.”

The right hon. Gentleman the Member for Montrose stated in that House—

“That the country was paying for stores and material at rates 20, 30, 60 per cent above the market value, and that a system of bribery by contractors had been established within the walls of the Admiralty.”

The cost of the Admiralty was somewhat startling, as would be seen by the following:—Sir James Graham's scheme of naval re-organization was to effect a saving in salaries under the head of Commissioners, secretaries, superior officials, inferior officers, and clerks, of no less a sum than £49,059 per annum, and—

“He hoped still further to reduce the professional and clerical staff of the Admiralty Office (Vote 3) from 70 in number to 40.”

That was in 1832. In 1872 Mr. Corry told that House—

“That the Admiralty staff numbered 432 individuals in 1869, and the *personnel* has increased since to 537 clerks and writers.”

Could any system of administration be good when the Board itself was radically wrong, both in its constitution and in its distribution of duties? Let them look for a moment at the opinions of those most competent to pass judgment on this subject. The Earl of Malmesbury said—

“My impression and conviction are, that if such a change took place—if the administration of the patronage of the army were assimilated to that of the navy, it would become the same hotbed of jobbing and trickery which has been, unfortunately, for many years a reproach to the Admiralty of this country.”—[3 *Hansard*, cxxxvi. 1360.]

[Mr. HUNT: What is the time of that speech.] In 1855. Sir James Graham would not hear of a Board for the War Department. He said—

“Having been six years at the Admiralty, he knew what a Board was. The machinery of a Board is known to be cumbersome and uncertain in its operation: It only works well when the head of the Board acts as if he were alone responsible. A Board, therefore, would be a retrograde measure, which your Committee cannot recommend.”

He might be told that in 1869 this state of things was rectified by the alleged reforms inaugurated by the right hon. Member for Pontefract (Mr. Childers). He would not trouble the House with the merits or demerits of those reforms, but what were the results—had our naval expenditure been diminished, or did they find the state and condition of the Navy in any respect improved? And as to responsibility, to quote the words of the right hon. Member for Pontefract, “has that been sheeted home?” He need only mention three notorious cases—the capsizing of the *Captain*, the loss of the *Megara*, and the foundering of the *Vanguard*, to prove that such was not the case. Admiral Sir Spencer Robinson, late Controller of the Navy, in September 1873, said—

“As to the Navy, its management was simply deplorable.”

And further thus expressed himself—

“Is it wonderful with such an organization the working of the Dockyards is not satisfactory? If there were not waste, if there were not mismanagement, it would be a miracle.”

England at the present moment stood in a very precarious condition, her Navy being quite inadequate to protect either her coasts or her commerce; the *personnel* of the Navy was in a deplorable condition; the *matériel* was equally bad; and the Administration was notoriously inefficient. The hon. and gallant Member concluded—Sir, I am no alarmist; I firmly believe that if our seamen and Marines have anything that will float to fight upon they will give a good account of their enemy, but the nation must not expect a miracle in its favour in the hour of need. That the Navy has been, and always must be, the real strength and bulwark of England is acknowledged on all hands, and especially by this House in the Preamble to the Naval Discipline Act, 29 & 30 Vic., cap. 109, which runs thus—

“The Navy.—Whereon, under the good Providence of God, the wealth, safety, and strength of the Kingdom depend.”

Sir, it is because I am deeply anxious that the wealth, strength, and safety of this Kingdom should still be maintained that I ask the House for a Royal Commission, and I therefore now beg to move for it.

SIR EARDLEY WILMOT seconded the Motion.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "considering the present administration of the Admiralty is practically that introduced and adopted by this House in 1833, on the recommendation of Sir James Graham; and, considering the advance made in Naval armaments and the unsatisfactory condition of the personnel and matériel of Her Majesty's Navy, it is desirable that a Royal Commission be appointed to inquire and report whether the present system under which the Navy is administered is the most efficient and most economical, and what improvements or amendments, if any, it would be desirable should be introduced,"—  
(*Captain Pim*,)

—instead thereof.

Mr. HUNT said, his hon. and gallant Friend had brought a very serious charge against not only the Admiralty of the present day, but against almost every Admiralty in his recollection, and he had attributed the faults he found with their acts and omissions to the constitution of the Board. He (Mr. Hunt), however, hardly thought he had made out his case in that respect. He was quite aware that a difference of opinion prevailed, and he believed always would prevail, as to the constitution of the Admiralty. At one time they had a Board with a Lord High Admiral at its head, and at other times a civilian with a Naval Council; but he did not know that the results had been very different from what they were now. The change would be only one of name, and the work would be found to have been done very much as it was done at present. There might be a difference of opinion on that subject, but he did not think the proof which had been brought forward would support the conclusions his hon. and gallant Friend had arrived at, or that he would induce the House, instead of going into Committee of Supply on the Navy Estimates for the current year, to appoint a Royal Commission on the constitution of the Admiralty. His hon. and gallant Friend had found fault with the *personnel* and

*matériel* of the Navy, and urged that it was necessary that the Admiralty should be differently constituted, saying that there was not a single branch of the Service which was not dissatisfied. A great many, however, of the complaints which his hon. and gallant Friend mentioned had already been removed. He asked his hon. and gallant Friend, when referring to the case of the Warrant officers, the date of the pamphlet he quoted, and the answer he received was 1874. His hon. and gallant Friend did not seem to be aware that since then a new Warrant had been issued, improving the position of the Warrant officers, and since then he had heard no complaint. With regard to the executive officers, he had not asked the date of the pamphlet quoted; but last year a new Warrant was issued, improving the flow of promotion as regarded the executive officers. It had effected a great improvement in their position, and gave a reasonable flow of promotion. In this case also he understood the complaint was dated before the issue of the new Warrant. He must protest against grievances which had been met being again brought up as if nothing had been done to remedy them. [*Captain Pim*: The men are just as discontented now as they were before.] His information was not to the same effect. He knew how difficult it was to satisfy every one in the public Service; a certain number would always be dissatisfied. Within the last few years they had had to deal with the Civil Service, and the other day with the officials of the London Custom House; but he was not aware that, because some of those officers might be dissatisfied, any hon. Member had thought proper to move that a Royal Commission should be appointed to inquire into the constitution of the Treasury. His hon. and gallant Friend had also referred to the medical officers; but either last year or the year before there was a new Warrant improving the condition of the medical officers. Again, he spoke of the engineers. Well, nothing had been done yet as regarded the engineers, but a Committee had been appointed by the Admiralty which had gone into the case of the engineers and how the service could be improved, and that Report was under the consideration of the Admiralty. The complaints of his hon. and gallant Friend had, therefore, to a great

*Captain Pim*

extent been already met or were under the consideration of the Admiralty. He spoke of the number of desertions as showing that the Service was unpopular. That subject had been discussed some few weeks ago, and he thought he then showed that the Service was not unpopular, and the places where desertion took place showed, not the unpopularity of the Service, but the great attractions of some foreign ports, where wages were high and land cheap, to which the men, unfortunately, yielded. He alluded specially to the desertions from the *Challenger*; but the *Challenger* had been over nearly all the world, and therefore the crew had been exposed to greater temptation than almost any other ship ever sent out from this country, because they had the attraction presented to them of the whole world except the Arctic regions. His hon. and gallant Friend had also referred to the iron-clad Navy. No doubt, after it was determined to turn our wooden Navy into an iron-clad Navy some mistakes were made. That was to be expected; but when mistakes were discovered, they did not continue to build ships on the same design. The *Devastation* had been referred to, and he was not surprised that great doubts should have been entertained regarding that ship. He himself, when he first spoke on the subject, had great doubts as to her sea-going qualities, but he did not entertain them now; with the experience he now had on the subject he had no hesitation in passing her as a sea-going ship. He had sailed in her company for some hours, and, although the sea was very heavy for the ship he was in, he was very much surprised at the way in which the *Devastation* behaved. He knew the opinion of naval authorities had very much changed in regard to the *Devastation*, and he believed she was commanding very great respect where she now lay in Besika Bay. One of the best proofs of the superiority of their designs was this—that whenever a new design of a ship was adopted almost the whole world followed it. All the naval Powers of Europe looked to the English Admiralty for new designs of ships. The other day he was in a German port, and there he found a ship just laid down on the same design the Admiralty had previously adopted. He did not pretend to say that there were no defects of admini-

nistration at the Admiralty. Indeed, he was desirous that all shortcomings should be pointed out with a view to being remedied; but he hardly thought that, either as regarded the *matériel* or the *personnel* of the Navy, his hon. and gallant Friend had made out a case for a Commission. He therefore trusted they might be permitted to go into Committee to vote the supplies for the year.

MR. E. J. REED said, the House would remember that the hon. and gallant Member for Gravesend (Captain Pim) read some passages strongly condemnatory of the administration of the Admiralty from what the House probably understood to be the Report of a Committee of Inquiry. He (Mr. Reed) asked the hon. and gallant Gentleman at the time whether he was reading from an actual Report, or only from a draft Report which the Committee had distinctly rejected, and the hon. and gallant Gentleman, with all his honour and gallantry, did not give him a candid reply, but referred him to the Library to discover the truth. Well, he (Mr. Reed) had consulted the Library, and he had to inform the House that the hon. and gallant Member's quotations were not from the Committee's actual Report, but from a draft Report which they had decidedly refused to adopt. Some of the other statements of the hon. and gallant Gentleman had been presented to the House with a similar amount of candour. He had read at considerable length Reports or extracts from Reports on ships. But most, if not all of them, were of old date, and referred to the ships in question at a period when they were entirely novel, and when, consequently, it was only natural that they would be exposed to no small amount of misconception and misrepresentation. Adverse opinions with regard to a novel type of ship were always to be looked for, and he might say he should despair of naval architecture altogether, if naval architects had to inspire every admiral with a favourable idea of the qualities of the ships he commanded. He believed that in the progress of naval architecture there would always be found, especially on the part of the senior officers, a tendency to take objection to great novelties, though such objections frequently disappeared as experience was gained.



emergencies or for going into action, so long should we be unprovided with a Navy which could defend the honour and interests of this country. There had been a great naval demonstration in the Mediterranean recently, but pending that demonstration he contended that our coasts were denuded of ships for defensive purposes. [Mr. HUNT: I say, no.] He quite understood what his right hon. Friend said; still he denied the existence of an efficient fleet at home. There was no use in mincing matters. We had no fleet now fit for home defence. If he was mistaken, the House and the country would be very much obliged to his right hon. Friend the First Lord of the Admiralty if he would show that, independent of that naval demonstration in the Mediterranean, we had at home an adequate fleet for the defence of our coasts. He asked the right hon. Gentleman to inform the country where the fleet was to be found that could be depended upon for home defence in case of invasion. He quite agreed with his hon. and gallant Friend that there was an enormous amount of waste going on in the Navy, and that money was thrown away in a manner prejudicial to the financial interests of the country. It was the old story—a Board was responsible. The whole subject of the Motion amounted to a renewal of the Motion which he (Mr. Bentinck) brought forward a few months ago. He admired the abilities of his right hon. Friend the First Lord as much as anybody; all he regretted was that those abilities were entirely misplaced. He entirely and fully endorsed all the hon. and gallant Member for Gravesend had said upon the subject; but he did not suppose that the House would be disposed to grant the Commission asked for, because it was a remarkable feature in that House that to all matters relating to naval questions there was an utter and an entire indifference, and both sides of the House had an interest in suppressing all inquiries into naval affairs. He contended that placing at the head of the Admiralty a gentleman who knew nothing about naval matters was a rank and glaring absurdity. If his hon. and gallant Friend divided the House on his Motion he should gladly go into the Lobby with him.

Mr. HUNT: After the statement of my hon. Friend, I wish to ask the in-

dulgence of the House while I say a few words with regard to the question of our security. In the present state of affairs I hope that exceptional allowance will be made, and that I shall be permitted to state that my hon. Friend is not warranted in saying that the naval demonstration in the Mediterranean has denuded us of ships for the protection of our coasts. I beg to tell him that there are at this moment nine iron-clads in commission either at home or in the immediate neighbourhood of home, besides those which have gone to the Mediterranean; that in a month or five weeks I could commission two more, one of them the *Thunderer*, which would then be the most powerful ship afloat; and that in the course of a very short time, if need be, several more ships could be put in commission, not speaking of all the special defence ships which now are in commission and in Reserve, and the gunboats which are laid up at Haslar awaiting any emergency that may arise. I wish, therefore, without entering into details, to give the most positive contradiction to the statement that this country is denuded of naval defence.

Mr. GOSCHEN: I rose at the same time as the right hon. Gentleman simply to assure him that I felt certain that both this House and the country would accept his simple disclaimer that he had not denuded the shores of this country of the ships necessary to defend them, and that the country would be perfectly satisfied if even, without giving any particulars, the right hon. Gentleman simply stated that the insinuation of the hon. Member for West Norfolk was not based upon fact. The right hon. Gentleman and his Friends know that we on this side of the House have been most anxious throughout all these anxious times to let no single word fall from our lips that would in any way embarrass them, or that would add to those great anxieties which we know must be laid upon them. For my own part, I came down to the House prepared to debate the Estimates without any reference, if it were possible to avoid it, to matters that might embarrass the Government, or might call upon them to make any explanations which in the present state of affairs might have been inconvenient to them. We must, therefore, all the more regret the question, but for the satisfactory declaration which the right hon.

*Mr. Bentinck*

Gentleman has been able to make. It was not necessary even for him to have given the numbers in the statement that he made, because the country and the House would be assured that no Board of Admiralty would venture upon such a proceeding as that which the hon. Member for West Norfolk (Mr. Bentinck) seemed to think them capable of—namely, that of sending its forces into the Mediterranean without considering what were its needs at home. The right hon. Gentleman has very properly alluded to the fact that during the last four or five years special means have been taken to secure the coast defence, quite irrespective of sea-going iron-clads, and that when the moment should come, in consequence of this provision, it would be possible to make a demonstration such as had been made by the right hon. Gentleman. The House and the country will remember that there have been most powerful gunboats constructed, carrying each an 18-ton gun; that these have been laid up and are ready at any moment for any duty that they may be called upon to perform; and that there is also a class of vessel like the *Hecate* and the *Cyclops* which the right hon. Gentleman did not allude to. [Mr. HUNT: I did allude to them. I spoke of them as special ships.] There are four of these ships, and a ship like the *Glatton*. These ships are specially designed for the service, and the right hon. Gentleman has now been able to give effect to that policy which it has always been said it would be possible to adopt—namely, that by building these coast-defence ships he would be more free to handle the sea-going iron-clads. It was for that purpose that these coast-defence ships were constructed, and it shows the advance that has been made in the naval power of this country that they have enabled the Admiralty to take a step which otherwise it would have been unable to take.

LORD CHARLES BERESFORD said, he could assure the House that Her Majesty's Navy was not in the sad state of inefficiency that the hon. and gallant Member for Gravesend (Captain Pim) and the hon. Member for West Norfolk (Mr. Bentinck) imagined. During the last six months he had—in company with His Royal Highness the Prince of Wales—made a voyage to India, in the course of which he had had ample opportunity

of seeing two-thirds of the Navy, including the Channel Fleet, the Mediterranean Fleet, the Flying Squadron, and the East India Squadron; he had been on board most of the vessels, and he asserted most distinctly that the Navy was not in the state of inefficiency that had been represented to the House. With the exception of the engineers and the Marines, respecting whose requirements a Commission of Inquiry had been granted, all branches of the Service were, he believed, perfectly contented. The hon. and gallant Member for Gravesend abused the men for being young, that was a thing one very often got abused for; but he (Lord Charles Beresford) thought these young men were better men than some of the grizzled old men who grumbled at them. They were taken in young that they might be the better trained. As to flogging deterring men from joining the Navy, he repeated what he had already said, that the men would like to see more of it. For a fine plucky fellow with lots of "go" in him who would always come out when he was wanted, was very often the man who would give his officer some "cheek" and be insubordinate. Well, under the old system, they could give him two dozen and "whitewash" him, and a week afterwards could make him a petty officer; but now they put his name down at the bottom of the list, and also in a book which went to the Admiralty, the consequence of which was that it might be brought against him for the next seven years as a bar to promotion. He wondered if he would have ever got his commission as a captain if there had been such a record kept of his delinquencies while he was a midshipman. He agreed with the hon. Member for Pembroke as to the *Research* and the *Bellerophon*, having served seven months in one and a year in the other of those vessels. The *Research* was a very bad vessel, but she was never intended to be anything else. The *Bellerophon* was an exceptionally fine vessel. The contention of the hon. and gallant Member for Gravesend that the Admiralty were to blame for the loss of the *Fanguard* was a most extraordinary one; the hon. and gallant Gentleman might just as well say that he (Lord Charles Beresford) was to blame because the favourite did not win the Derby. The Navy was not in the dreadful state imputed to it; on the con-

chase Commission, with which they had nothing whatever to do, had not reported. But hon. Members would recollect the well-known line — *Rusticus expectat, dum defluat amnis*, and they were thoroughly worn out with long and vain expectation. Their case proved that the administration of the Admiralty was not exactly what it should be. But he would proceed to another matter, to which the hon. Gentleman the Member for Sunderland (Mr. Gourley) had referred — namely, the rapidly increasing strength of the Russian and German Navies in the Baltic and North Sea. That increase showed the necessity of making better provision for the safety of our North-east Coast and the security of our trade and shipping in those seas, as it was now well known that so far from our sea-coast defences being what they ought to be, there was not a single harbour to which our ships of war could resort, or where they could lie secure in tempestuous weather, from the mouth of the Thames to the Frith of Forth, or any batteries whatever by which they could be protected if overwhelmed by a superior force.

MR. SPEAKER said, the hon. Baronet was out of Order in referring to a subject in reference to which he had a Motion upon the Paper.

SIR EARDLEY WILMOT said, he would at once bow to the decision of the Chair. He should not have alluded to the subject but for the remarks of the hon. and gallant Member for Sunderland, who had introduced the subject of the immense increase of the Navies of two great Continental powers. He must further observe that he had not felt quite satisfied with the refusal of the Admiralty to grant an inquiry into the accusation made lately against that Department by a private individual, who publicly challenged in every possible way the official conduct of Members of the Naval Administration, and asked that the charges he made might be made the subject of a public investigation. He confessed he had not felt satisfied with the reasons given by the First Lord why such an inquiry should not take place. It had been said in that House that it did not consist of naval architects, and they were not to be called upon to decide between rival claims. But his reply to that was they were English gentlemen, and if one of their body was thus

publicly assailed by charges which were without foundation, they should render him every assistance in their power to scatter and overthrow them; indeed, he felt astonished when his hon. Friend the Member for Pembroke —

MR. SPEAKER said, he must again remind the hon. Baronet he was out of Order, as he was not speaking to the Motion before the House, but to the subject of a late debate.

MR. D. JENKINS said, he had some knowledge of engineers and engineering, and believed the case of those employed in the Royal Navy to be exceptionally unjust and unfair. Even as regarded their retiring pensions the engineers in the American Navy had a better allowance. He hoped their case would be fully inquired into by the Committee now sitting on Naval Administration. He hoped the Admiralty would not listen to the complaints which were made in that House by Members representing dock-yard boroughs. He believed there was no difficulty in securing the services of competent certificated engineers, because he knew that for every vacancy that occurred in the Merchant Service there were 20 applicants.

MR. DILLWYN protested against the House being brought down to attend Morning Sittings, when so much time was wasted in discussions of that kind.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

#### SUPPLY—NAVY ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £109,194, be granted to Her Majesty, to defray the Expenses of the several Scientific Departments of the Navy, which will come in course of payment during the year ending on the 31st day of March 1877."

MR. RYLANDS, in rising to move the reduction of the Vote by the sum of £2,000, said, that when in 1872 he gave his support to the changes in Greenwich Hospital, he should have felt some

*Sir Eardley Wilmot*

hesitation had he foreseen the expenses they were now asked to vote. In alluding to the different items of expenditure he called attention to the office of President. This was held by a gentleman—a vice admiral—who, in addition to his half-pay of £600, received a salary of £1,600 a-year, together with residence, fuel, and gas. That was nearly double the amount paid to the Astronomer Royal. Next to the President came an official—a retired captain of the Royal Navy, who, with his half-pay, received an income of £800. Below these came the Director of Studies with £1,200 a-year: so that these three gentlemen received together £4,200, which seemed to him a large amount for the executive of the administration of a College of that character. Following these, there came a very large Staff, at high salaries, and the general expenditure, which amounted to £13,291, he considered exceptionally large, when it was remembered there were only 231 students at the College. Upon this number there were 110 servants to wait, and the gas bill was £3,000, or more than for Devonport Dockyard, including Keyham, and in various other items there was proof of an extravagant management. If we came to ask what we got in return for all that he was sure the answer would not be satisfactory. We expected an intellectual and scientific education, together with that technical training that would be required in the duties these young gentlemen would afterwards be called upon to perform. So far from that being carried out, he was given to understand—and he believed his information was reliable—that these young students lived in a most extravagant style, and their training was not such as would be likely to fit them for the habits and pursuits that awaited them on shipboard. He found from reports of recent examinations that out of 11 students eight of the number were plucked. Such a result was not very satisfactory to the educational Staff, for he found it was not so much owing to want of ability as from want of attention to those branches of study in which they were examined. His attention had been called to a paragraph in *The Army and Navy Gazette* of April 27th in reference to the College, in which it was mentioned that the students gave a performance in the gymnasium, which was attended by a

distinguished audience, and met with much success. The pieces selected were *The Ladies' Battle* and *Raising the Wind*, and the performance was stated to have been equal to any that could be witnessed at the metropolitan theatres. It was clear, therefore, among the number there must be some who could give attention to some branches of study. There was one of the pieces selected with great judgment. He thought, considering the training and experience they were going through, "raising the wind" was a performance which might not be unnecessary. His objection to the Vote was not on the ground that a Vote of the kind was not necessary; but his object was to call attention to the subject, for he felt sure that the expenditure required examination, and while he was anxious for efficiency with economy, he objected to inefficiency and extravagance, believing the two often went together. The hon. Gentleman concluded by moving the reduction of the Vote.

Motion made, and Question proposed,

"That the Sub-head, £38,051, Royal Naval College, Greenwich, be reduced by the sum of £2,000."—(*Mr. Rylands*.)

SIR MASSEY LOPES said, he had anticipated, when he heard of the Amendment, that the hon. Gentleman was going to bring forward a real grievance; but the hon. Gentleman must know, that to secure the efficient working of such an institution, great expenses were necessary. He must be aware that the expenses of all the officers he had referred to were fixed when the College was first established. The only increase since had been in the wages of servants, and that he was prepared to justify. The late President of the College complained that the allowance of 8*d.* a-day for boys was not enough to enable him to secure a good class, and so inefficient were they that 58 out of 69 had been discharged. Since then the Admiralty having raised the pay from 8*d.* to 1*s.*, on the recommendation of the President, the result was, that they were now able to obtain the services of a better class of boys, and the complaints at present did not amount to one-half what they were formerly. When the hon. Member put his Motion on the Paper, he (Sir Massey Lopes) thought he was referring to the sum of £2,000, which was the amount

taken for gas. That no doubt was a large sum, but it had been caused by the necessity of keeping gas lighted in the rooms occupied by the sub-lieutenants, which had been found to be so damp, that many of those officers were laid up by rheumatism and other affections. He maintained that the College was not conducted in an extravagant or wasteful manner. The object in establishing it was to give our naval officers a very high scientific education, and to do that they must be provided with the best instructors and all the necessary facilities for acquiring the requisite knowledge.

MR. GOSCHEN wished to remind hon. Members that they must not look upon this College simply as a training institution. His hon. Friend the Member for Burnley (Mr. Rylands) spoke as if the young men educated in the College were a set of midshipmen who had not been at sea. Now this establishment, though partly designed for the training of young officers, was a great scientific institution for engineers, shipwrights, and scientific men connected with the training of the Navy. They had rendered necessary a considerable expenditure in laboratories and chemical apparatus; in fact, all the appliances were provided which they used to enjoy at South Kensington. The Vote ought not, therefore, to be scrutinized too closely, and he hoped his hon. Friend would not press the Amendment.

MR. HANBURY - TRACY trusted that nothing would be done to limit the resources of the Naval College. On the contrary, he would suggest that the right hon. Gentleman should rather endeavour to increase its efficiency. He regretted that the number of senior officers was so small, but one reason was that when they were married they could not afford to go to the College and keep up an establishment elsewhere. It might be desirable therefore to give increased pay, so that officers desiring it might be enabled to go to the College. If the increased pay were given, it should be on condition of their passing in a certain standard at examination. The sum charged for gas at the College—£2,000 a-year—seemed very large, as also did the charge of £1,500 a-year for police.

MR. BRUCE drew attention to the fact that the College had only to pay

£100 for buildings to the Hospital, though they were worth far more than that per year.

MR. WHITWELL suggested there should be a little more detail in the various items. There was an item of £632 for scholarships and competitions, and he should like to know how that amount was appropriated.

MR. GORST thought that, in justice to the Hospital, the College should pay a proper rent.

MR. CHILDERS said, that the Greenwich Hospital Act did not require rent being paid; and it was perhaps unfortunate that any nominal payment in in the nature of rent should be made, as it would be followed by a claim for far more. The Greenwich Hospital Fund was not in the nature of an ordinary charity, nine-tenths of it having really been created by public charges. If the fund required additional charges on it in order to give increased inducements to men to enter the Navy, he would be the last to object; but this should be done on public grounds. If the reason was merely technical, of course the Admiralty were the best judges. He was also desirous to ask for explanation as to the heavy charge for police. As to the vote generally he was inclined to think that it would not bear much greater increase, for in time of peace it was necessary to set aside at least £10,000 a-year to augment the capital, and this certainly was not being done at present.

MR. HUNT said, that the £100 a-year was a mere acknowledgment, in the nature of a peppercorn rent, and that the buildings were not Admiralty property. Although there was an increase for the pay of police in the Vote there was a reduction under that in another.

CAPTAIN PRICE asked how it was that as much as £1,800 a-year was required for clerks at the College?

MR. BENTINCK asked for information with reference to the system of examinations at the College, observing that he had heard they were of so abstruse a character that several officers had, after many years' service, been discharged because they could not answer questions on subjects with which it was not deemed necessary to be acquainted when they entered the Profession. It had also been mentioned to him that no fewer than eight young officers had been

ed within a short time for a reason.

HUNT repeated what he had said on a previous occasion—that any of ordinary abilities and industry sent to Greenwich College might pass the examinations which he was required to undergo, and that would rather than the contrary was the service by weeding it of men who showed that they took very little interest in it by not attending to their studies. The only reason why gentlemen did not pass it was because they did not study.

GOSCHEN also was of opinion that it was of the utmost advantage to the nation that a proper standard of examination should be maintained at the College, and that those who went there should not regard it as a place at which they might spend a short time pleasantly. He therefore hoped the right hon. Gentleman would not give way in the

ANDERSON pointed out that salaries paid to Professors who taught the abstract and abstruse sciences were as high as £600 or £700 a-year, whereas those paid to the teachers of naval architecture and marine engineering, two important and practical subjects, were only £147 or £180 a-year.

HUNT said, he supposed the reason why this was the case was that teachers could be got for these salaries. He agreed with his right hon.

(Mr. Childers) that the cost of legislation should be carefully looked into in detail, and the suggestions of the hon. Member for Glasgow were under consideration. He thought that the appointment of a small committee of practical men would be the best course to take, with the view of cutting down any redundancies, or of remedying any good deficiencies. Such an inquiry would not occupy very long, and he hoped, by next Session, to submit a scheme of management free from the objections which had been urged by various hon. Members that

RYLANDS said, he heard that the Commission had been cemented with great satisfaction. The appointment of such a Committee would be most desirable, and he would move that a Report should be annually laid on the Table of the House as to the work done in the College. He

should be glad to withdraw his Amendment for the reduction of the Vote.

Motion, by leave, *withdrawn*.

MR. SHAW LEFEVRE asked what was to be done with the *Challenger* collection? It was reported to have been sent to Edinburgh. He hoped the interests of the British Museum in respect to it would not be overlooked.

MR. HUNT said, that the head of the scientific staff on board the *Challenger* was an Edinburgh Professor, and as the collection which had been formed was going to be put into proper shape under that gentleman's direction, it had been sent to Edinburgh in the first instance. How it would be ultimately divided he could not at present say, but he might remark that the interests of the British Museum were in good hands and would probably not be neglected.

MR. E. J. REED said, that Sir Wyville Thomson informed him that the collection was going to Edinburgh solely for the convenience of classification and arrangement.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £1,323,750, be granted to Her Majesty, to defray the Expenses of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1877."

MR. RYLANDS, in moving to reduce the amount of the Vote by £250,000, said, he was led to move the Amendment by finding that the increase of expenditure upon Dockyards and Stores since 1871 amounted to £2,000,000. Of course, he was prepared to hear repeated what had been said before, that the Stores were so much reduced, and the Dockyard expenditure so cut down by the late Administration, that Her Majesty's Government were compelled to go to an enormous expense to put things upon a satisfactory footing. He thought the right hon. Gentleman who held the office of First Lord of the Admiralty prior to the present Administration ought to meet that charge, and he was glad to give him an opportunity of doing so. During the years 1870 and 1871, the cost of iron and other materials was much higher than it was at

present, and there were other circumstances which would tend to reduce the cost of management, yet, notwithstanding that there was an increase since 1871 of nearly £2,000,000. The Vote for the Dockyards alone in 1871 was £817,315, in 1876 it was £1,323,750. He had no doubt in his own mind that under the right hon. Gentleman the Member for Pontefract, and the right hon. Gentleman the Member for the City of London, the Admiralty was ably administered, wise economies were made, and reforms were carried out that increased the efficiency of the Service. The change which was introduced by the right hon. Member for Pontefract in the Royal Naval Hospital, by which that institution was put under the management of a surgeon instead of a captain of the Royal Navy, and the change in the control of the Victualling department were instances of this, but some of the reforms suggested by the right hon. Gentleman had not been fully carried out. He recollected that the right hon. Gentleman the Member for Montrose (Mr. Baxter) had remarked upon the great number of officials in the Dockyards, and said that it prevented any feeling of responsibility, and the same thing came out at the *Megara* inquiry. He was not aware that any change had been made, and he believed that the Dockyards remained in much the same state as they were in five years ago, or if changed at all, for the worse. He contended that Dockyards were manufacturing establishments, and should be treated in the same way as establishments of the kind carried on by hon. Members of the House and others. It seemed to him that the proper person to place at the head of such an establishment would be a man of business habits and great technical knowledge and experience. That we did not do. In fact we placed at the head a man quite unused to anything of the kind—an Admiral Superintendent—without scientific knowledge, and with none of the necessary experience. He was allowed to remain in charge of the establishment for five years, and when after that time he began to get an inkling of his duties he was removed and another Admiral Superintendent was appointed who went through the same process. It seemed to him that no course would be less likely to lead to efficiency

or economy. There were two branches of the establishment, that of design for construction and of building and management, and he ventured to say that the Admiralty was not exactly competent to carry out either of those two branches. In the management of our Dockyards he believed there was great cause for complaint. He found that while the wages for artizans amounted to £1,072,334 in a year, no less a sum than £382,644 was spent in salaries for superintendence, and in pensions, and for police. It would appear that for every £20 paid in wages, £4 was paid in pensions. He had had great experience of the working classes, having employed thousands, and he did not hesitate to say that if he went into the market to purchase labour, and offered 30s. weekly to a man, without any allowance, and 28s. to a man with the promise of a small pension after a number of years, the man for 30s. would be the better man of the two. The effect of offering pensions was that we got a number of slovenly, worthless people. He objected to the system of giving lower wages with a pension; it was far better to give the full market value, and trust to men's own management and thrift for the future, and to make their own provision for old age. From evidence it appeared that the cost of our iron-clads built in Dockyards was far greater than if built in private yards. The hon. Member for Hastings (Mr. Brassey) a short time ago stated in *The Times* that if we had had our iron-clad fleet built by private firms, we should have 10 more vessels to show for the money. That as coming from a man of such experience and so well known, was worthy of careful consideration. But not only were they keeping up these large manufacturing establishments, but they were spending money in costly mistakes; building vessels that in a short time become obsolete. From Returns on the Table of the House the number of vessels of that kind would be seen, and hon. Members would be surprised to find them so numerous. At that moment foreign nations were putting their trust in torpedoes and rams, and that was a very serious question affecting the construction of ships of war, and he contended that with all our resources and appliances we should not rush at once into building a vessel because another

*Mr. Rylands*

country had a type of which we did not possess an example, and which, as in the case of the *Inconstant*, might prove to be a costly blunder. He would refer to a suggestion which had been made by the hon. Member for Hastings as a very valuable one. It was that merchant vessels should protect themselves by torpedoes. That would make ordinary vessels independent of the protection of war vessels; each would be able to carry her own sting, and would render unnecessary the costly plan of keeping our foreign squadrons scattered over the globe. In conclusion, he protested against the heavy expenditure in the direction to which he alluded, as not justified at the present time, and moved the reduction of the Vote.

Motion made, and Question proposed,

"That a sum, not exceeding £1,073,750, be granted to Her Majesty, to defray the Expenses of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1877."—(*Mr. Rylands*.)

MR. CHILDERS said, that during the time he was at the Admiralty it had been his constant effort to keep down expenditure, and hence it might be assumed that he sympathized with his hon. Friend in his Motion to reduce the Vote by £250,000; but he would remind him that a reduction of that particular Vote by that amount, meant practically a reduction of £250,000 in the Vote for the Wages of Artificers in the Dockyards; and a reduction of that sum upon the Wages Vote meant a reduction of 4,000 men during the whole year—that was to say, between 5,000 and 6,000 men for so much of the year as remained. It would be perfectly impossible for anyone in a responsible position consistently to make such a reduction, or even to dream of making it; and, further, it was a course which it was impossible to sanction in the present state of our relations with foreign powers. Besides, a reduction of that kind required to be carried out with foresight, and spread over as long a period as possible; and, for himself, he had always been of opinion that both increases and reductions should be made with very great caution indeed, not by leaps and bounds. Therefore, in the spirit which actuated the Opposition, and which rendered them disinclined to say or do anything that might

hamper the Government in the present state of the Eastern question, he hoped his hon. Friend would not press his Motion to a division, because, if acted upon, it might do considerable mischief. He did not deny that our Dockyard system was capable of great improvement; that it was desirable to strengthen the civil element in its administration, and to deal consistently with the pension question, but the present was not the time for forcing such questions on the attention of Parliament. So, again, there could be no doubt that the annual cost of repairs had risen to an alarming figure. So far as he could collect from the present Estimates, it amounted to from £1,100,000 to £1,200,000 a-year, and that certainly was a most serious question. A searching inquiry ought to be made into this question of repairs, but that was not the time to do so, and he should therefore recommend his hon. Friend to withdraw his Amendment.

MR. A. EGBERTON said, that Vote 6 and Vote 10, Section 1, were governed by the programme of shipbuilding for the year, and that to attack them as the hon. Member for Burnley (Mr. Rylands) had done was to challenge the whole policy of the Admiralty, which had been substantially accepted by the House. The right hon. Gentleman the First Lord of the Admiralty, in introducing the Estimates, stated distinctly what his Programme was, and he thought, therefore, that the hon. Member for Burnley, before proceeding to reduce the Vote, should have given some indication of the mode in which he proposed to deal with that Programme which was, he contended, conceived in a proper spirit, and did no less than the country required of the Admiralty at the present moment. Complaints had been made that the expense of management bore an excess proportion to the wages of the men, and this proportion had been estimated as high as 30 per cent. It appeared, however, that the proportion had been decreasing, and that while in 1869-70 it was 13·63 per cent, in 1876-7 it was only 9·86 per cent. This showed that the charges for management had been of late years steadily diminishing. The civil management of the Dockyards was a large question, which required almost a night to itself, but upon the whole he had come to the conclusion that it was better to have a naval officer



at the head of our Dockyards. Having had some previous experience in regard to boat and ship building, when he came to the Admiralty he tried to make some comparison as to the cost of building Her Majesty's ships in the Royal Dockyards and in private yards. It was difficult to come to an exact conclusion on account of the dead weight and establishment charges; but, upon the whole, taking the whole number of ships he had convinced himself that the cost of building in Her Majesty's Dockyards was slightly cheaper than in private yards, while there was much greater certainty of good work in public than in private yards. He should, therefore, be sorry to see the amount of work now done in the Royal Dockyards decreased to any great extent by sending it to private yards. The question of pensions and of "established" and "non-established" men was under the serious consideration of the Admiralty. The hon. Member for Burnley, who had had experience as a manufacturer, thought he got better men by paying a little more and not giving pensions. He (Mr. Egerton) had also had considerable experience as an employer of labour in large collieries where the men were pensioned. The result was, that there had been no strikes for a long period, and they were on better terms with their men than other employers. They had, in fact, a greater hold upon the men, and this he attributed to some extent to the system of granting pensions. He believed the same principle held good in Government establishments.

Mr. SAMUDA opposed the proposed reduction, on the ground that under the Vote only 13,000 tons would be provided for, and if the number of tons to be built under Vote 10 were added the total would not amount to the 20,000 tons which his right hon. Friends below him considered necessary to make up for the annual waste from various causes arising in our Navy. As a private ship-builder of some experience he believed that no one in the Kingdom got work done so cheaply as the Government; and that arose from there being pensions allowed in old age, and from the dependence that existed upon the continuance of work in the public Dockyards. These things give the Government a command over labour that the private yards had not. The work could not be

done better there than it was in the private yards, because the system of inspection there was carried to such an extent. But if the present Dockyard system was to be maintained, regularity of work and regularity as to the number of men employed were absolutely necessary.

Mr. GORST was sure that hon. Members on both sides of the House would support the Government in any expenditure which might be necessary to maintain the efficiency of the Navy and the honour of the country. The charge of undue extravagance made against the Government must mean either that the Government were spending too much money on shipbuilding, or that the money voted for that purpose was not economically spent. The Committee would not be anxious at present to enter into the discussion of the first alternative, for, as he had said, every one would be inclined to support Ministers in necessary naval expenditure. Then came the question whether the money granted was spent in the most effectual manner. He should like to discuss that point on some future occasion, and much might be said in reference to it, but he thought that was not the moment to discuss in detail the question of Dockyard management, or the grievances that might be urged in connection with those employed in the Government establishments. Whatever the grievances of the Dockyard *employees* might be, he was authorized to say that they did not wish to press them at the present juncture, when it might be embarrassing to the Government. The men were desirous that the superannuation system should be kept up. It gave the Government a constant supply of steady men, who turned out very good work.

Mr. E. J. REED considered that his hon. Friend had entirely failed to make out a case. He did not believe that this was the item on which they could best discuss the question of reduction in the Navy. Many of his hon. Friends about him spoke of the waste in Her Majesty's Dockyards, but he could honestly say from a long experience of Dockyard workmen, that it was quite a mistake to suppose that there was great idleness amongst them, or that their work was not performed in a most efficient manner. He hoped the next time his hon. Friend called attention to this

*Mr. A. Egerton*

subject, he would not look for reductions in these minor matters, but would bring to the test the necessity for some of the vessels we were building. If any reduction was to be made, it should rather be in Vote 10, which referred to ships built by contract.

Mr. BENTINCK said, he had always been ready to support such expenditure as was necessary to keep the Navy in an efficient state. Some hon. Members seemed to be under the impression that when statements were made about the Navy in that House hon. Members were telling secrets out of school, but that was a mistake, for foreign Governments and foreign diplomatists knew a great deal more about our Army and Navy than many people in this country.

Mr. T. BRASSEY said, that payment of labour in accordance with results was a great guarantee of economy in production. He knew that from private experience, and he thought the principle might very well be applied to the Government Dockyards. The work in the Dockyards was of the best character, and it was necessary to maintain the Dockyard establishments, for in a time of war we could not rely on private establishments.

Mr. GOSCHEN asked the First Lord of the Admiralty, if he was prepared to present a Return for the last year showing the distribution of men on various ships, in order that the House might ascertain the manner in which the work was performed, and the probable cost?

Mr. HUNT said, he would endeavour to supply the information required.

Motion, by leave, *withdrawn*.

Mr. MOORE called attention to the large increase in the expenditure as regarded the chaplains who were members of the Church of England. He complained that the Roman Catholic chaplains were badly paid, their stipend being cut down to less than that of skilled workmen; while at the same time they had no retiring allowance.

Mr. SHAW LEFEVRE, referring to the two descriptions of work done in the Dockyards, at a fixed rate of pay with superannuation pensions, and at the market rate of wages, asked how many factory men the Government proposed to establish, and on what terms? He also asked for explanations on the intended fitting-out of the *Urgent*, an old

iron vessel, as a hospital ship for Jamaica, at a cost of £23,000?

Mr. HUNT said, the *Urgent* was intended to serve as receiving ship at Jamaica, for which, being an iron ship, she was very suitable. A wooden vessel was more likely to be unhealthy, if used for such a purpose. Considering the object of the expenditure upon the *Urgent*, he did not think its amount was excessive. The number of factory men whom it was proposed to establish was 500. As it was a quarter to 11 o'clock and they had only obtained one Vote, he would not then discuss the large question as between hired men and men on the Establishment; but he might state that the Admiralty's plan had been adopted after much consideration. He believed that at present no factory men had been established, but the Admiralty were in communication with the Dockyards on the subject, and there was great expectation that the plan which had been adopted would be highly successful. With regard to the pay of Roman Catholic chaplains, he admitted it was not in a proper condition, and a proposition was now before the Treasury for an increase which he believed would be satisfactory. With regard to the Roman Catholic chaplain at Sheerness, whose salary had been complained of as too low, the answer was, that the £80 he received from the Admiralty was not the whole of his pay, as he also received a stipend from the War Office.

Mr. SULLIVAN said, that the Vote was for £1,323,750 for Dockyards, and out of that million and a-quarter no less a sum than £839 was put down for Dockyards in Ireland, and this, he took it, was little better than a practical joke. Hon. Members might not be aware that in 1799 the then Government promised Irish Members that a Dockyard should be established in Ireland, and from that day to this the Vote of £839 had been taken yearly for the construction of a dock at Haulbowline. It had been calculated that at the present rate of work it would be finished in the year 2975. At any rate, the Union was accomplished, but part of the price to be paid—namely, this Dockyard—was still unaccomplished. The present state of things was, that when the tide was out six or eight dozen convicts went to work, "meandering, melancholy, slow," striving to do as little as they could; and when the tide turned

as upon him, for his previous experience in the Arctic regions and general abilities as a navigator fully qualified him for this important duty. The Admiralty assented to certain officers accompanying Captain Allen Young, who had selected them; and the case being altogether an exceptional one the Admiralty treated it as such, and agreed to count their time as sea-going time. With regard to the damage done by Her Majesty's ships, it was impossible to say at the commencement of each year what was required under that head. Last year the sum required was exceeded. He was not aware what sum would be required for the present year. The case of the *Monarch* had been provided for in the last financial year.

MR. GOSCHEN hoped the permission given to the officers would not be drawn into a precedent.

SIR JOHN HAY quite approved the course taken with regard to the Naval officers in the *Pandora*, and only wished the same course had been taken with regard to Lieutenant Cameron.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(12.) £888,472, Half Pay, Reserved and Retired Pay to Officers of the Navy and Royal Marines.

MR. HANBURY-TRACY said, he desired to ask the First Lord of the Admiralty, what conclusion he had come to in reference to a Petition which had been presented to him from a large number of retired commanders, asking for a step in rank after 15 years' seniority? He (Mr. Hanbury-Tracy) thought their case was a very hard one, and deserved a satisfactory settlement. Up to the year 1870, captains and commanders who retired, and who had not completed their qualifying sea-time, were allowed to obtain a step in rank after a certain number of years—captains on rising to the top of the list, and commanders after 15 years' seniority. This privilege was swept away in 1870, in the retirement scheme of the right hon. Gentleman the Member for Pontefract. The reason for doing this was, he had always understood, that the right hon. Gentleman (Mr. Childers) thought there were far too many admirals; in fact, that the name of "admiral" had

got into such general use, and was applied to so many officers who had not for so many years been at sea, that it was no longer looked up to with the feelings of respect which those who attained that high rank ought to have it treated. He had always understood that was the principal reason for abolishing the step in rank; but it must be pointed out, that whilst the privilege was taken away from the captains, it was taken away also from the commanders, but only on the general ground that you could not let one rank have the step and not the other. If that state of things had continued, nothing further could have been said. Unfortunately, last year the right hon. Gentleman opposite (Mr. Hunt) thought fit to revert to the former order of things as regarded captains, allowing those who retired from the year 1870 to rise to the rank of admiral, but ignored the case of the commanders, who clearly ought to have been dealt with at the same time. He (Mr. Hanbury-Tracy) was very much opposed to tinkering or making alterations in the retirement scheme of 1870; but it was surely just to urge that if privileges of rising in rank were taken from two classes of officers under that scheme, it was most unfair afterwards to give them back to one and not to the other. More especially was this so, when it was remembered that the change was originally made to prevent too great use of the name and rank of admiral, and really only affected the captains. There was no question of pay included; it was simply a question of rank, which might be somewhat sentimental, but was no less a grievance which the commanders had every right to have redressed. He hoped the right hon. Gentleman would see his way to granting the desired boon.

MR. HUNT, in reply, said, that the Petition had been considered, and he might say was still under consideration. The reason the step was not given to commanders last year, when it was granted to captains, was owing to the fact that as captains rose to the rank of admiral by seniority, and commanders were promoted by selection, the Admiralty did not then see that the same necessity existed of giving the step to commanders as it did to captains. At the same time, he did not mean to say that commanders would not be granted

*Mr. Hunt*

the same privilege. The question was again receiving the consideration of the Admiralty, and he would be glad if it could receive satisfactory settlement.

*Vote agreed to.*

(13.) £726,136, Military Pensions and Allowances.

(14.) £282,176, Civil Pensions and Allowances.

(15.) £197,480, Freight of Ships and Conveyance of Troops.

(16.) £145,752, Greenwich Hospital and School.

*House resumed.*

Resolutions to be reported *To-morrow*, at Two of the clock.

Committee to sit again *To-morrow*, at Two of the clock.

#### POOR LAW AMENDMENT BILL.

(*Mr. Sclater-Booth, Mr. Salt.*)

[BILL 190.] CONSIDERATION.

Bill, as amended, *considered.*

MR. HAMOND moved the insertion of a new clause providing that husband and wife in the workhouse, if either should be infirm, sick, or disabled, or above the age of 60, might be permitted, at the discretion of the Guardians, to live together, and every such case should be reported to the Local Government Board.

*Clause—*

(Husbands and wives in workhouses.)

("When any two persons being husband and wife shall be admitted into any workhouse, and either of them shall be infirm, sick, or disabled by any injury, or above the age of sixty years, it shall be lawful for the guardians of any union or parish to permit in their discretion such man and wife to live together, and every such case shall be reported forthwith to the Local Government Board.")—(*Mr. Hamond.*)

—*brought up*, and read the first and second time.

MR. SERJEANT SIMON proposed an Amendment to the clause, to the effect that if a man and wife were both above 55 years of age they should not be compelled to live separate and apart in workhouses. This would simply carry out the principle of the present law, which fixed the limit at 60 years of age. Further than that he contended there

would be no increase of population occurring in the workhouse through the operation of the clause, for at the age mentioned, if not impossible, it would be very improbable. Beyond that, why should they separate a married couple at such an age?

*Amendment proposed,*

To leave out from the word "wife," in line 1, to the end of the Clause, in order to add the words "both of whom shall be above the age of fifty-five years, shall be received into any workhouse, such two persons shall not be compelled to live separate and apart from each other in such workhouse; and any rule, order, or regulation, and any provision of any Act to the contrary is and are hereby respectively rescinded and repealed."—(*Mr. Serjeant Simon.*)

MR. WALTER said, he had great pleasure in supporting the Amendment of his hon. and learned Friend the Member for Dewsbury. Since the subject was last under the consideration of the House he had looked into it a little, and had specially referred to the debate on the occasion when the rule was established which prescribed 60 years as the age at which married people should be allowed to live together in a workhouse. This rule formed no part of the original Poor Law, but was introduced almost exactly 29 years ago. The alteration was effected by Mr. Borthwick in 1847, when the Poor Law was undergoing revision. He introduced the Amendment, which was a relaxation of the original rigour of the Poor Law. It was opposed by Sir George Grey; it was accepted, with some qualifications, by Lord Russell; and he was strongly supported by his right hon. Friend the Member for Oxfordshire (Mr. Henley) and by the late Mr. Ellice. They were high authorities, and they supported it, not on the ground that it would prevent outdoor relief, but that it would tend to increase it. Earl Russell wished to make it discretionary with the Guardians, and not compulsory upon them; but the House rejected that modification, and carried the Amendment by a majority of 70 to 55. It became the law of the land, and he should like to know what harm had ensued from the operation of the law. The hon. and learned Member stated there had been no increase in pauperism ascribable to it. He did not suppose that any increase would be ascribable if they adopted 55 instead of 60. But the point he wished to contend for

was that, failing the condition that increase of the population was not to be allowed, they had no right to make the natural and best feelings of the poor a reason for oppressing them. There could not be a more odious principle than to employ the best feelings of the poor as a means of working upon them to their loss and discomfort. As a matter of fact, he believed poor people of the age of 60 seldom applied to live together in the workhouse. He, therefore, contended that no danger was to be apprehended from this relaxation of the law. He had visited the workhouses of two Unions—the workhouse in his own neighbourhood and the Chelsea Workhouse—and the excellent officials at these institutions stated that, not only had they never experienced an application from old people to live together, but they had received expressions of satisfaction from unfortunate married couples that they were able to live separate. The master of the Chelsea Workhouse told him that there was no wish to bring old married couples into the workhouse, as there was no accommodation for them, in fact; and outdoor relief was always given them. He had no objection to that; he thought it was the right principle; but if they compelled them to go in, they would work upon the natural feelings of the better class of the aged poor. Where such a class of persons were compelled to go into the house, they ought not to be separated, a proceeding which was a real hardship to them, but which was none at all to another class who were often driven there by the intemperance or bad conduct of one or the other, and who gladly accepted it as the best arrangement for them. Those were the grounds on which he supported the Amendment of the hon. and learned Member for Dewsbury. He would not now express any opinion as to the second clause, but with regard to the first he should give his cordial support to the proposal before the House.

Mr. SCLATER-BOOTH said, that as the matter had been discussed the other night very fully, he would not go over the arguments again. He did not wish to fix the limit at 55 or 60, but rather to go back on the principle of allowing the Guardians to exercise that discretion which the Poor Law gave them. Everybody was aware that in a large number of Unions where provision had been

made for separate quarters for married couples that such provision had never been availed of. The Guardians might safely be left to exercise the discretion proposed to be left them by his hon. Friend. He hoped, however, the House would negative the Amendment of the hon. and learned Gentleman opposite.

Question put, "That the words proposed to be left out stand part of the Clause."

The House divided:—Ayes 144; Noes 72: Majority 72.

Clause added.

Mr. MORGAN LLOYD moved, after Clause 11, the insertion of the following clause—

"The Local Government Board may by their order, upon the application of the ratepayers of any union or parish made in pursuance of one or more resolutions passed at a vestry or vestries duly convened for that purpose, authorize and direct such ratepayers to elect guardians, who shall hold office for a period of three years. The said Board may also, upon the application of such ratepayers, made in pursuance of one or more such resolutions as aforesaid, rescind such order: Provided, however, that the rescission of such order shall not invalidate or affect any election which may have already taken place under it."

Clause (Local Government Board may authorise election of guardians to hold office for three years,)—(*Mr. Morgan Lloyd*,)—brought up, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

Mr. SCLATER-BOOTH opposed the clause. He was aware that many Boards were in favour of such a change, but the question of triennial elections of Guardians might well stand over. It should, however, receive his attention. He could not assent to the Motion of the hon. and learned Gentleman at present; but he hoped to be able to do so on some future occasion, when dealing with the general state of the law.

Mr. MORGAN LLOYD, satisfied with the assurance that the question should receive the consideration of the Government, said, he would withdraw the clause.

Motion and Clause, by leave, withdrawn.

*Mr. Walter*

MR. MORGAN LLOYD moved, after Clause 14, to insert the following clause—

“It shall not be lawful for guardians of the poor to pay out of the poor rates any church rates, notwithstanding anything contained in the seventh section of the Act thirty-first and thirty-second Victoria, chapter one hundred and nine; Provided, That, nothing herein contained shall alter or affect any other provision of the said Act.”

The clause was rendered necessary by the construction placed upon the 7th section of the Church Rates Abolition Act by the Local Government Board, who had held that its provisions enabled Poor Law Guardians to pay a voluntary church rate out of the poor rates. He believed that interpretation was wrong, but even if it were right it was not in accordance with the intention of the framers of that Act. As a proof of this he would refer to a letter written by the right hon. Member for Greenwich (Mr. Gladstone), in which it was distinctly stated that the clause was never intended to authorize any such payment by Poor Law Guardians.

Clause (Payment of church rates by poor law guardians).—(*Mr. Morgan Lloyd*),—brought up, and read the first time.

Motion made, and Question proposed, “That the said Clause be now read a second time.”

MR. SCLATER-BOOTH said, he could not pretend to argue a point of law with the hon. and learned Gentleman, but certainly that was the first time he had ever heard such an interpretation of voluntary payment of church rates as that which the hon. and learned Gentleman had now given of them in connection with the poor rates. He could not accept the declared intention of the authors of a Bill as against the legal construction of it by professional advisers, which was that the payments objected to were legal, and he objected to amending so important a measure as the Church Rates Abolition Act by a clause in the Bill of this character. If it was intended to modify the Act referred to it ought to be done by a separate Motion, and not introduced at the end of a Bill having a different object in view. For that reason he objected to the insertion of the clause.

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MR. STANSFELD hoped the right hon. Gentleman would re-consider his opinion, and give the House an opportunity to modify the clause.

Question put.

The House divided:—Ayes 80; Noes 112: Majority 32.

MR. RICHARD moved the insertion of the following clause:—

“It shall be lawful for the guardians of any poor law union to make such arrangements as they may see fit for the religious instruction or worship of the inmates of any workhouse under their control, any existing provision contained in any statute, rule, or regulation to the contrary notwithstanding.”

His object was to enable other ministers besides clergymen of the Church of England to be appointed as chaplains of workhouses. At present they could only appoint chaplains of the Established Church, although the majority of paupers might be Nonconformists.

Clause (Religious instruction of inmates of workhouses).—(*Mr. Richard*),—brought up, and read the first time.

Motion made, and Question proposed, “That the said Clause be now read a second time.”

MR. SCLATER-BOOTH opposed the clause on the ground that it would not provide the remedy desired, and said that the Local Government Board never insisted on the appointment of a Church of England chaplain, if satisfied that other arrangements were properly made. The Guardians under the existing law had very great power in the matter, and the clause as it was proposed might lead to great inconvenience, if not abuse. There was really no necessity whatever for the clause.

MR. STANSFELD said, the whole question was a money question. The only paid chaplain who could by the law be appointed must belong to the Established Church. If any Board of Guardians chose to appoint and pay another person to give religious instruction or conduct worship, it must be at their own cost; and if the latter part of the clause were omitted he thought the clause might be adopted.

MR. RICHARD said, on the third reading of the clause he would be ready to admit the Amendment of the hon. Member for the County of Kildare, or

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some other verbal Amendment, which would secure the main object—freedom of religious instruction and worship.

Question put.

The House *divided*:—Ayes 81; Noes 107: Majority 26.

Motion made, and Question proposed, "That the further Consideration of the Bill be now adjourned."—(*Mr. Biggar*.)

MR. SCLATER-BOOTH hoped the measure would be proceeded with, as it could be finished in 10 minutes.

Question put.

The House *divided*:—Ayes 45; Noes 119: Majority 74.

Amendment proposed,

In page 5, line 3, after the word "away," to insert at the end the words "The justices to hear the complaint against a husband, under the thirty-third section of the Act of the thirty-first and thirty-second years of Her Majesty, chapter one hundred and twenty-two, may be other than those who summoned him to appear before them, but acting for the same petty sessional division."—(*Mr. Sclater-Booth*.)

Question proposed, "That those words be there inserted."

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. O'Sullivan*.)

Motion, by leave, *withdrawn*.

Question again proposed, "That those words be there inserted."

Debate *adjourned* till *To-morrow*, at Two of the clock.

#### SUPREME COURT OF JUDICATURE (IRELAND) BILL—(*Lords*)—[BILL 161.]

COMMITTEE. ADJOURNED DEBATE.

Proceeding on going into Committee [23rd June] *resumed*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

Committee report Progress; to sit again upon *Thursday* 6th July.

#### TURNPIKE ACTS CONTINUANCE, &C. BILL.

On Motion of Mr. SALT, Bill to continue certain Turnpike Acts in Great Britain, and to

repeal certain other Turnpike Acts; and for other purposes connected therewith, *ordered* to be brought in by Mr. SALT and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 209.]

#### LIMITED OWNERS RESIDENCE (IRELAND) BILL.

On Motion of Sir PATRICK O'BRIEN, Bill further to amend "The Limited Owners Residences Act (1870) Amendment Act, 1871," *ordered* to be brought in by Sir PATRICK O'BRIEN, Sir ARTHUR GUINNESS, Mr. HARRIS, and Mr. GIBSON.

Bill *presented*, and read the first time. [Bill 210.]

House adjourned at a quarter after Two o'clock.

## HOUSE OF LORDS,

*Tuesday, 27th June, 1876.*

#### MINUTES.]—PUBLIC BILLS—*Second Reading*—

Burghs (Scotland) Gas Supply \* (124); Small Testate Estates (Scotland) \* (115); Prevention of Crimes Act Amendment (125); Elementary Education Provisional Order Confirmation (Cardiff) \* (142).

*Select Committee—Report*—Union of Benefices \* [No. 146].

*Committee—Industrial and Provident Societies* \* (90-148).

*Committee—Report*—Jurors Qualification (Ireland) \* (140).

*Report*—Union of Benefices \* (84-147); Admiralty Jurisdiction (Ireland) \* (145); Public Health (Scotland) Provisional Order (Wemyss) \* (109); Elementary Education Provisional Order Confirmation (Hailham, &c.) \* (101).

*Third Reading*—Publicans Certificates (Scotland) \* (143); Cruelty to Animals (144); Local Government Provisional Orders, Aberavon, &c. (No. 7) \* (108); Elementary Education Provisional Order Confirmation (London) \* (100); Provisional Orders (Ireland) Confirmation \* (67); Coroners (Dublin) \* (102), and *passed*.

*Royal Assent*—Treasury Solicitor [39 & 40 Vict. c. 18]; Partition Act (1868) Amendment [39 & 40 Vict. c. 17]; Salmon Fisheries [39 & 40 Vict. c. 19]; Statute Law Revision (Substituted Enactments) [39 & 40 Vict. c. 20]; Army Corps Training [39 & 40 Vict. c. 43]; All Saints, Moss [39 & 40 Vict. c. 44]; Pier and Harbour Orders Confirmation (Aldborough, &c.) [39 & 40 Vict. c. 40]; Gas and Water Orders Confirmation [39 & 40 Vict. c. 41]; Tramways Order Confirmation (Wantage) [39 & 40 Vict. c. 42].

*Mr. Richard*

**PREVENTION OF CRIMES ACT AMENDMENT BILL.—(No. 125.)**

(*The Lord Steward.*)

**SECOND READING.**

**Order of the Day for the Second Reading, read.**

**EARL BEAUCHAMP**, in moving that this Bill be now read the second time, said, that the object of the measure, which had come up from the Commons, was to enable the Secretary of State in England and the Lord Lieutenant in Ireland to classify the prisoners to whom registration and photography under the Prevention of Crimes Act, 1871, should apply. It had been found by experience that the number of identifications from registration and photographs had not borne so large a proportion to that of the number of prisoners registered and photographed as had been expected. When prisoners of a very tender age were photographed, the advantage as regarded subsequent identification was very slight indeed. Again, in very many cases the police were able to identify from memory. Gaolers and the police were able generally to form a good idea as to the prisoners who ought to be photographed, and this Bill would enable the Government to exercise a discretion in the matter, which at present was not permitted.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Lord Steward.*)

**LORD ABERDARE** said, it was a matter of the utmost importance that some system should be adopted through which persons accused of crime could be identified and classified, so that the punishment could be made proportionate to the criminality of the offender. During the time he was in office, several Acts had been passed having this object in view, but they were all of a tentative character, and he should be glad to see them revised and consolidated. In his opinion, the police supervision in respect of the convict classes was of the utmost value. In this, as well as in other matters of a cognate character, the magistrates of Gloucestershire had set an excellent example. They had tried the effect of short terms of imprisonment followed by police supervision, and had found it to produce very satisfactory

results. There was gaol accommodation in Gloucestershire for 800 prisoners; but of the several prisons in that county all were closed except one, and in that one there were only 222 prisoners last year and 197 the year before. In other counties there was no communication between the gaolers and the police, and at quarter sessions when sentencing prisoners, the magistrates did not impose supervision. When Home Secretary, he addressed a Circular on the subject to the magistracy, and in some respects that appeal had not been in vain. He would suggest that good results would be likely to follow some such action on the part of the present Home Secretary, who had introduced such important measures and shown such zeal in the discharge of the duties of his office.

*Motion agreed to*; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on *Thursday* next.

**CRUELTY TO ANIMALS BILL.**

(Nos. 131-144.)

(*The Earl of Carnarvon.*)

**THIRD READING. BILL PASSED.**

Bill read 3<sup>a</sup> (according to Order.)

On Question, "That this Bill do pass?"

**THE EARL OF SHAFTESBURY** heartily thanked the Government for having brought in the Bill. It was, no doubt, an imperfect measure, and not all that those whom he represented could wish; but it was a marvel that they had obtained so much. He had accepted with much reluctance the introduction of the words permitting vivisection, "for the advancement by new discovery of physiological knowledge," but he had done so in the hope of conciliating scientific men, both in the passing of the Bill, and afterwards when it should have come into operation as law. He hoped the Bill would be passed in the other House without any very decided opposition, and that when it became law all parties would unite in promoting those objects of humanity and philanthropy which had led to the introduction of the Bill.

Bill *passed*, and sent to the Commons.



## THE FORTIFICATIONS OF MALTA.

## QUESTION. OBSERVATIONS.

EARL DE LA WARR in asking Her Majesty's Government, If it is proposed to add or substitute guns of greater calibre than those now existing in the principal forts of Malta; and whether there is any objection to giving information with regard to the present state of efficiency of the fortifications of Valetta, said, he did not think it necessary to preface with many remarks the Question which he wished to put to Her Majesty's Government. His object was that their Lordships should be put in possession of such information on the subject of the present state of the fortifications of Malta as Her Majesty's Government might be willing and able to communicate. He knew that there was to some extent an opinion prevailing that matters of this kind should be left unnoticed in the hands of Her Majesty's Government. He agreed partly with what might be said in favour of that view; but, at the same time, he thought Parliament and the country ought to have some information given them on subjects such as that to which his Question referred. If their Lordships generally were to be asked what was the present condition of the defences of Malta, he was doubtful whether it would be found that their Lordships were in possession of any very definite information. His noble Friend the noble Viscount opposite, the late Secretary for War (Viscount Cardwell), would, doubtless, be able to give all the information that might be desired, and also the noble Earl who represented the War Department in their Lordships' House (Earl Cadogan); and he could not think it undesirable that their Lordships and the country generally should be clearly informed upon a matter of such great importance as the efficiency of the fortress of Valetta and the general state of the defences of Malta. Such a question as he now asked might have been of less consequence if naval and military warfare had undergone no changes of late years—it would have been necessary to look only to the past history of Malta to be assured of the strength of its defences; and the point, therefore, to which he wished to draw their Lordships' attention was this—whether the armaments and strength of the fortress of Valetta had kept pace with recent

changes in naval and military warfare! Looking at Malta as the key of the naval position of this country in the Mediterranean, it was impossible to exaggerate the importance of that consideration. With reference to the first part of the Question—whether it was proposed to add or substitute guns of greater calibre than those now existing in the principal forts of Malta—he would only ask the noble Earl to inform their Lordships what were the size and number of the heavy guns now in the principal forts which commanded the harbour of Valetta, and what were the size and number of those it was proposed to add or substitute. He believed he was right in saying that the largest guns now in position there were 25-ton guns. It must be remembered that guns of this calibre were now comparatively small. Her Majesty's ship *Devastation* carried, he believed, four 35-ton guns, and a Russian ship, the *Peter the Great*, of similar construction, but larger, carried also, he believed, four 35-ton guns. It was probable that before long we should have still heavier guns afloat, and it could not be satisfactory that a fortress like Malta should be protected with guns of inferior calibre. As regarded the second part of the Question—the state of efficiency of the fortifications of Valetta—the noble Earl would perhaps excuse him if he called his attention to a Return made last year to the House of Commons, by which it appeared that in the year 1870 there was expended upon the fortifications and defences of Malta £12,863; in the year 1871, £17,718; in the year 1872, £53,166; and in the year 1873, £42,659—showing a considerable increase in succeeding years. In the year 1874 the total military expenditure amounted to £250,526, but he did not find what proportion of this was expended upon fortifications and defences. It would, perhaps, be satisfactory for the information of their Lordships if the noble Earl could state whether the increase was for strengthening the old fortifications of the harbour or for carrying on works of defence elsewhere. It was probable that a considerable outlay would be required to enable the old works to carry the heavier guns. He spoke with some diffidence on this subject in the presence of naval and military Members of their Lordships' House; but no observer of passing events could fail to notice that

there were few, if any, places in Her Majesty's dominions which had a greater claim to attention in a naval and military point of view than the Island of Malta.

EARL CADOGAN said, Her Majesty's Government fully recognized the importance of arming the fortifications of Malta with guns of the newest and best pattern, and of sufficient calibre to cope with any which might be brought against them. The House would not, he felt sure, expect him to make a detailed statement on such a subject; but he might say that the work of strengthening the armament of the Island had been, and was being, gradually carried out. With regard to the fortifications of Valetta, he was informed by those most conversant with the matter that they were in a satisfactory condition.

#### ROYAL IRISH ACADEMY.

##### MOTION FOR CORRESPONDENCE.

LORD O'HAGAN, in rising to move for Correspondence connected with the Art Institutions of Dublin, said: My Lords, the Papers for which I move, and which I trust my noble Friend, the Lord President, will not refuse, relate to a question which has produced—and in my judgment has inevitably produced—a good deal of annoyance and irritation in Ireland. Until these Papers are before your Lordships I do not propose to deal with the question at any length: but it is necessary that I should very briefly inform the House of the circumstances in which it has originated. The position of the Royal Irish Academy, as a scientific and literary institution, is known to many of your Lordships. Some of you are members of it, and to others its well established reputation must be familiar. It was founded about the year 1785 by a voluntary association of gentlemen, very eminent for their social rank and intellectual culture, under the presidency of the Earl of Charlemont. In 1786, it obtained a Royal Charter, which, in the recital, after speaking of the ancient renown of Ireland for the pursuit of learning, declared the will of the Sovereign to be that the Academy should be established for the cultivation of "science, polite literature, and antiquarian research," and to this end it was endowed with various privileges and a modest grant of money which has since been

increased, from time to time, until it is now £2,000 a-year—still a very moderate sum in comparison with the revenues of kindred institutions, but utilized to the utmost and made productive of most valuable results. From the date of the Charter down to the present hour, the Academy has laboured unceasingly and with signal success in carrying out the objects which were set before it. It has taken a very high place amongst the learned societies of the world, and is recognized and respected by them all. Its transactions are regarded with universal interest and attention: and the most distinguished men in Europe look upon admission to its membership as an honour. For Ireland, it fulfils the functions which belong to the Royal Society in England, and is beyond comparison the national institution of which her people have most reason to be proud. In the highest walks of science it has achieved great things, and the names of such men as M'Cullagh and Hamilton and Lloyd and Andrews have, from generation to generation, shed lustre on it for nearly 100 years. It has united the departments of polite literature and antiquities, and in them, also, has done noble service. It has preserved numbers of ancient manuscripts of entirely inestimable value for historical and philological purposes. It has formed a museum, unique and unequalled, containing, as has been declared by a Select Committee of the other House of Parliament, the richest and most important collection of Celtic antiquities in any nation. It has made and is making precious contributions to archæology—Irish and foreign—through the fruitful labours of men like Petrie, and Graves, and O'Curry, and Todd and Ferguson. In all its departments, it is as active and efficient as at any period of its history, and your Lordships will not wonder that, with such antecedents and such results, it commands a fond appreciation and a justifiable pride by the people for whom it has laboured so worthily and so long. They are content with it. They wish no change in it; and they fear any novel experiments which may result in its injury. Two proposals have recently been made with respect to it, though not, I believe, for the first time. It has been suggested, that the Royal Irish Academy should be amalgamated with the Royal Dublin Society, and the official person, Mr.

Donnelly, in whose letter that proposal was communicated as having the approval of Lord Sandon, adds to it another—that the amalgamation should go further, and connect the Royal Irish Academy and the Royal Agricultural Society of Ireland. This is the first proposal; and the second, which has, I hear, been partially carried into effect, is this—that the control of the grant to the Academy should be taken from the Irish Government, which has heretofore administered it, and committed to the Department of Science and Art at South Kensington. To both of these propositions the Royal Irish Academy has offered a prompt and peremptory, and, in my opinion, a becoming resistance. I desire to speak of the Royal Dublin Society with the truest respect. It is an old Irish institution—older in duration than the Royal Irish Academy—and within its proper sphere it has done infinite service to the country. But its sphere is wholly different from that of the Academy. It was created and is maintained to promote the industries of Ireland, manufacturing and agricultural, and it has been true to its trust and has promoted them faithfully and well. And so has the Royal Agricultural Society. It aims to improve the cultivation of the soil and amend the breed of cattle, and I have no doubt it has been greatly serviceable in these respects. But, surely there is a grotesque unfitnes for amalgamation between such a body and the Academy—between those who pursue abstract science, in its loftiest regions, and polite letters and archæology, with purposes purely historical and literary, and those who devote themselves altogether, however meritoriously, to the development of the nation's material wealth and productive industry. They cherish aims wholly distinct, and move in planes wholly different, and I do not think that your Lordships will be surprised to find the members of the Academy repudiating the proposed connection as calculated to compromise their position—to destroy the *prestige* they have won by the toils and triumphs of a century—and, instead of improving either of the amalgamated bodies, to breed confusion and complication from their ill-judged alliance; and diminish the value of both by putting them on lines of action for which they were not designed, and subjecting them to a mixed

*Lord O'Hagan*

management to which they are unsuited. So much for the first proposal; and for the second, it is, I believe, quite as distasteful to the Academy. Heretofore, the Irish Government has been accountable for the sums voted by Parliament, and has discharged its functions with perfect propriety and complete satisfaction at once to the Treasury and to the Academy. Why should there be any change? No one has asked for it. No one desires it. It is justified by no public necessity. It promises no public advantage. The Academy is not disposed to submit to be subordinated to a Department at South Kensington which is not homogeneous with it, which is not animated by its spirit or engaged in its pursuits, which may be and is extremely valuable in many ways to England, but was not established, and is not qualified, to assume the control of Irish institutions. The Academy, at all events, declines to acknowledge its superiority or submit to its centralizing control—believing that the Irish Government, whilst it acts in Ireland as it ought to do, under the influence of Irish opinion and with a single regard to Irish interests, is far more likely to consult carefully and well the wants and wishes of the Academy, than any body of officials resident in England and having ample employment in the discharge of their proper duties, without meddling in matters which do not concern them and which they do not understand. My Lords, on both these points the Academy has spoken with no uncertain sound. At a meeting of the body on the 29th May it was resolved—

“That the Academy approves of the action taken by the Council in declining to entertain the proposed scheme of amalgamation.”

That resolution was proposed by my friend Dr. Russell, the President of Maynooth College, who came to the meeting to deny that the Commission of 1868, of which he was a member, had given any countenance to the project of amalgamation. It was seconded by my noble and gallant Friend opposite (Lord Gough), and it could not have been presented under more influential auspices. The resolution of the Academy as to the second proposal was, if possible, more decided and emphatic. The Council had reported that, in their opinion,—

“acquiescence in the transfer of the Vote from the Royal Irish Academy to the Science

and Art Department would be attended with consequences fatal to the independence, and highly detrimental to the usefulness of the Academy."

And the meeting resolved, on the motion of a very eminent Fellow of Trinity College, which was seconded by Master Pigott—

"That the Academy protests against the transfer from the Irish Government of the charge of the Academy's Parliamentary grant, and declares its determination to forego all claim on the bounty of Parliament rather than apply to the Science and Art Department of the Committee of Council on Education for any issue of its grant."

That, my Lords, is a strong resolution, and indicates how earnest is the feeling which has been evoked amongst the intellectual classes of Ireland by the proposed changes. I do most sincerely trust that the adoption of an alteration so serious may not be forced on the Academy:—and I have moved in this matter, merely of my own accord, having a natural interest in it as myself a member of the body, that I might contribute, if possible, to avert what would be, in my judgment, for many reasons, a national calamity. I have asked for the Papers very much with the hope of fixing the attention of the noble Duke upon the subject of them, and with the full assurance from my knowledge of my noble Friend that if he will personally consider it—if he will look at it with his own eyes and decide according to his own judgment—what is at once right and kindly will be done—natural and honourable susceptibilities will be respected—the public Bodies to which I have adverted will be kept in their proper courses and made to pursue, with independence, their peculiar ends, and justice will be done to an institution which, in its scientific and literary action, has deserved well of Ireland, the empire and the world.

*Moved*, That there be laid before the House—

Copies of all public official correspondence, commencing 8th February 1876, between the Irish Government, the Treasury, the Science and Art Department, the Royal Dublin Society, and the Royal Irish Academy on the subject of the proposed establishment of a Science and Art Museum in Dublin."—(*The Lord O'Hagan*.)

**THE DUKE OF RICHMOND AND GORDON** said, he was grateful to his noble and learned Friend for giving

him an opportunity of endeavouring, if possible, to allay and put an end to any feelings of annoyance and irritation which were said to prevail in Ireland on this subject. Nothing could be further from the wishes or intentions of the Government than to say or do anything that would cause the slightest irritation to any of the learned and scientific bodies in Ireland, and nothing that they had done, he would fain hope, could produce such consequences. The history and position of the Royal Irish Academy were well known; while the marvellous collection of antiquities it possessed—the most remarkable, he believed, in the world, with, perhaps, the exception of the collection at Copenhagen—and also the manner in which the articles were kept by that society, would call forth the highest praise from those who took an interest in such matters. He found that Sir W. Wilde, in his evidence before a Committee of the House of Commons, stated that—

"up to the meeting in March last every article in the Museum, now about 12,000, had been catalogued, with the exception of some coins; and that if the Museum were removed to-morrow there would not be 30 articles to number or register."

With regard to the Correspondence now moved for, he might have declined to produce it on the ground that it was not complete, and that the negotiations were still pending; but he was unwilling to do so, because it might possibly suggest that there was something to keep back. At the same time he preferred to give the Correspondence in an amended form, and one which, he thought, would supply all the information desired by his noble and learned Friend. It would, he thought, show that there had been some misapprehension as to the course the Government had taken in the matter. What had really occurred was this. Representations had been made to successive Governments with a view to concentrate and develop the various scientific institutions which exist in Dublin; and when his right hon. Friend now at the head of the Government previously held a similar position the Government proposed to create a separate Department of Science and Art for Ireland. Accordingly, a Commission, consisting largely of noblemen and gentlemen connected with that country, was ap-

pointed to carry that proposal out. The Commission was composed of the Marquess of Kildare, Dr. Russell, President of Maynooth; the Rev. Samuel Haughton, of Trinity College, Dublin; Mr. G. A. Hamilton, the then Secretary to the Treasury, who was thoroughly Irish in all his views; Colonel Laffan, of the Royal Engineers; and others. The Commission was thoroughly Irish, and understood what was required for Ireland. The Commissioners were appointed for the purpose of considering how the different institutions in Dublin could best be developed, and how a separate Department of Science and Art for Ireland was to be constituted. But they very shortly came to the conclusion that it would not be to the interest of Ireland that there should be a separate Department of Science and Art for Ireland, and that it would prevent Irish students coming to this country to participate, which they now did, in the grants for Science and Art, and to compete as they did in many instances successfully, with their English fellow-students. The Secretary of the Commission was therefore directed to write the following letter to the Lord President:—

“The Minute states that ‘Her Majesty’s Government has decided to constitute a separate Department of Science and Art for Ireland analogous in its constitution to the existing Science and Art Department in London for the United Kingdom,’ and also ‘to frame a plan for the formation of a Department for Ireland, the permanent head of which shall be a secretary and director resident in Dublin, with a sufficient staff, who will report direct to the head of Education Department.’ Is the Commission thereby precluded from considering the question of the desirability of having or not having an entirely separate Department for Ireland?”

Well, having obtained permission to consider this question, they gave up the idea of a separate Department for Ireland. In the conclusion of their Report the Commission regretted their inability to carry out the Minute of the 22nd of May, 1868, in its integrity, by framing a separate Department for Ireland analogous in its constitution to the existing Science and Art Department, as mature consideration had convinced them that the institution of a separate Department would be detrimental to the interests of Science and Art in Ireland. They said they were of opinion that all the advantages to be obtained by the Minute of the 22nd of May might be practically

secured by the arrangements indicated in one of the recommendations which they made—to some of which he would call attention. No action was taken at the time on that Report, and when Her Majesty’s late Government retired from office, as far as he was aware no action had been taken upon it. But during the last Session of Parliament the matter was taken up in the other House by two hon. Members, and the Chancellor of the Exchequer undertook that the matter should receive the most earnest attention of Her Majesty’s Government during the autumn of last year. Accordingly during last autumn his noble Friend the Vice President of the Council on Education and Mr. Smith, the Secretary to the Treasury, went over to Dublin and put themselves in communication with the Chief Secretary. They considered most minutely what arrangements could be made; and after considerable care and thought, in which deliberation he also, as head of the Council on Education, naturally took part, they communicated with the Lord Lieutenant; and the result was that a proposal was made by Her Majesty’s Government and embodied in a Letter, which his noble Friend the Vice President signed and which was sent to the Department in Dublin. The second paragraph of that Letter stated that from representations made to the Government as to the general wishes of the country, from the recommendations of the Commission, and from the evidence given before that Commission it appeared that a consolidation of the various Societies in Dublin had become essential to further progress. The Government proposed to contribute, he thought, from £80,000 to £100,000 to establish one large Museum in Dublin. His noble and learned Friend opposite (Lord O’Hagan) at the commencement of his remarks complained that the view of Her Majesty’s Government was that there should be an amalgamation of these Societies. He (the Duke of Richmond) should like it to be thoroughly understood that the Government had proposed no such thing. He thought that misapprehension arose from a letter to which he would refer. After the Government made a proposal to establish a Museum in Dublin and to combine all these Societies, a deputation from the Royal Dublin Society came to London.

*The Duke of Richmond and Gordon*

the Duke of Richmond) was not to have an interview with the decision, but his noble Friend the Vice President received them; and, after his Friend received them, some of the members of the body had an interview with the gentleman who was at the head of the Scientific Department at Kensington. That gentleman wrote to Dr. Steele a letter which was a private or semi-official letter rather than a strictly official document. But the letter contained these words—

“After meeting the deputation from the Royal Society last Wednesday, I submitted the following Memorandum to Lord Sandon:—

“I have had a long interview to-day with the deputation from the Royal Dublin Society; and I find that many difficulties would be relieved if an amalgamation could be effected between the Royal Irish Academy and the Royal Dublin Society.

“The arrangement of such an amalgamation would be a matter entirely for the societies, but I should tend to forward such a scheme if the members interested were assured that it met with your Lordship's approval, and that if the Government were prepared to take the necessary steps, the Government would give them any aid in its

“Further, there is some possibility of an amalgamation of the Royal Agricultural Society and with the Royal Dublin Society. If carried out would the Government be disposed to provide for the Agricultural Shows at Phoenix Park, and remove them from the present buildings beside Leinster House?”

“Lord Sandon has authorized me to give this answer generally.

“Will you, therefore, kindly inform the members of the deputation of this? I should add that I told Lord Sandon that if an amalgamation were effected, it would probably take the form of a new society, with a limited number of ordinary members, and an agricultural

“I said nothing about this in the Memorandum; it is, of course, a matter purely for the societies to arrange.”

“Before, it was a mistaken notion that the Government tried to force these Societies into an amalgamation. And the noble and learned Lord said that was a grotesque unfitness in the amalgamation of these Societies; he reminded him that with that the Government had nothing to do; and, of course, if the Societies themselves felt that to be the case they would not amalgamate. Then the noble and learned Lord talked of the grant being taken from the Science and Art Department at South Kensington; but perhaps

the noble and learned Lord was not aware that in reality the grant came through the Lord President of the Council—because Art and Science was one of the branches of the Department. Education was divided into two heads—Primary Education and Scientific and Art Education, both of which were under the Lord President of the Council. This was not a suggestion emanating from the Science and Art Department nor from the Lord President of the Council, but was what was recommended by the Royal Commission presided over by the noble Duke opposite (the Duke of Leinster). The Report to which he alluded contained the following:—

“We regret our inability to carry out the Minute of the 22nd of May in its literal integrity, by framing a plan for the formation of a separate Department of Science and Art for Ireland analogous in its constitution to the existing Science and Art Department in London; as a mature consideration has convinced us that the formation of a separate Department for Ireland would be detrimental to the interests of science and art in that country. We are of opinion, however, that all the advantages for Ireland proposed in that Minute may be practically secured by the arrangements indicated in the following recommendations:—

““That in order to afford advantages and facilities to students, artisans and others in Dublin, in some respects similar to those which are yielded by the South Kensington Museum in London, and in other respects to those afforded by the Science and Art Museum in Edinburgh, it is very desirable that there should be a General Industrial and Fine Arts Museum in Dublin. The people of Ireland would thus obtain the fullest opportunity of improvement in the cultivation of the industrial and decorative arts by the study of approved models and objects.

““That this Museum should be purely a State Establishment, under a Director responsible to the Lord President or other Minister in charge of education.

““That the Director of the Science and Art Museum should be in immediate relation, not only with the Minister of Education, but also with the Irish Government, and it should be his duty to place himself in communication with the representatives of the various industrial interests of the country, with a view to the development of its resources.

““That all Votes for museums and educational establishments in Ireland should be taken on the responsibility of the Lord President of the Council or other Minister in charge of education directly responsible to Parliament.”

He might add that within the last few months arrangements had been made with the Royal Society in London for the purpose of carrying out further researches, and they were to account for the money they received through the

Science and Art Department, and through the Lord President of the Council, and he had no reason to believe that what was acceptable as regarded our Royal Society here would be distasteful to the Royal Irish Society.

*Motion agreed to.*

House adjourned at Seven o'clock,  
to Thursday next, half-past  
Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, 27th June, 1876.*

MINUTES.]—SUPPLY—considered in Committee  
*Resolutions [June 26] reported.*

PUBLIC BILLS — Ordered — First Reading —  
Companies Acts (1862 and 1867) Amend-  
ment\* [211].

Second Reading—Public Works Loans\* [202];  
Civil Bill Courts (Ireland) [82], *debate*  
*adjourned.*

Committee—Poor Law (Scotland) [179], *debate*  
*adjourned.*

Committee—Report—Crab and Lobster Fisheries  
(Norfolk)\* [109].

Considered as amended—Poor Law Amendment  
[190]; Friendly Societies Act (1875) Amend-  
ment\* [177].

Third Reading—Settled Estates Act (1856)  
Amendment\* [193], and *passed.*

## CIVIL SERVICE INQUIRY COMMISSION —THE CUSTOMS.—QUESTION.

DR. CAMERON asked Mr. Chancellor of the Exchequer, Whether the scheme embodied in the Report of the Playfair Commission is to be applied to the Customs Establishment; and, if so, whether it is intended to offer any special terms to the older members of the Customs service to induce them to retire in order to facilitate the adoption of the scheme?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he presumed that the hon. Gentleman referred to the indoor Customs. No scheme had been presented to the Treasury. If any scheme should be submitted, it would, of course, receive due consideration.

## UNITED STATES—THE EXTRADITION TREATY.—QUESTION.

MR. STAVELEY HILL asked the First Lord of the Treasury, Whether negotiations are in progress for putting an end to the immunity from crime re-

sulting from the possible annulment of the Extradition Treaty between this Country and the United States; and, whether he will give the House an opportunity during the present Session of discussing the policy of so amending the Extradition Act of 1870, as to enable a State, obtaining the committal and extradition of a prisoner, to put him upon his trial upon another charge, being in the list of extradition offences agreed upon between the two Countries, in addition to or in substitution for the charge upon which he has been committed and given up?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that his right hon. Friend the First Lord of the Treasury had requested him, in his own unavoidable absence, to inform his hon. and learned Friend that the Premier thought that in his remarks last night he had anticipated this Question, when he said that, in the opinion of the Government, it would not be advisable that any discussion on this subject should take place until the last despatch of Mr. Fish and the answer to it were upon the Table of the House.

## TURKEY—THE INSURGENT PRO- VINCES.—QUESTION.

MR. O'REILLY asked the First Lord of the Treasury, Whether there is any foundation for the statements which appeared in an Hungarian paper, the "Neusatz Zastava," that British ships have landed at Klek a large quantity of provisions, cartridges, and money for the Turkish troops; and, the statement of the "Moscow Gazette" that England is supplying arms and money to the Turkish force in Herzegovina?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the Government had no information that British ships had landed at Klek provisions, cartridges, and money for the Turkish troops; and with regard to any statement in the Hungarian, German, or Russian papers that the English Government were supplying arms and money to the Turkish force in Herzegovina, his reply was, that Her Majesty's Government had neither directly nor indirectly supplied any arms to any Turkish troops. With respect to the unhappy disturbances in which Turkey was involved, Her Majesty's Government had

*The Duke of Richmond and Gordon*

maintained a strict neutrality, and they expected a similar neutrality to be observed by other Powers.

#### THE VOLUNTEER REVIEW IN HYDE PARK.—QUESTION.

MR. E. J. REED asked the First Commissioner of Works, If he can inform the House what are the final arrangements for the Volunteer Review?

LORD HENRY LENNOX: In answer to the Question of my hon. Friend I have to say that as far as I know the arrangements for the Volunteer Review on Saturday next in Hyde Park are finally settled. Her Majesty's Government, after consulting with His Royal Highness the Ranger of the Park, have decided that no stands should be admitted at all. They came to this decision owing to the great damage which must necessarily be caused to the Park by attempting to erect structures on so large a scale as would be required. In place of the stands, however, there will be an inclosure, and this inclosure will be hurdled off, and will extend the whole range of the bases for saluting. That will comprise about 2,200 feet in length, and 30 feet in depth. It will be divided into various smaller inclosures for the accommodation of various public bodies of the State. In the centre, immediately behind the saluting point, where His Royal Highness the Prince of Wales will stand, there will be an inclosure which will be devoted to the Royal carriages, and none other but Royal carriages will be admitted to the Park. In immediate contiguity to that there will be an inclosure for those members of the Diplomatic Body who may wish to take advantage of this opportunity to see our Volunteer Force. On either side of the Royal inclosure there will be a large space set apart for both Houses of Parliament. I may say that I hope to be able to give each Member who may apply two tickets. I propose not to make one inclosure for the House of Lords only, and another for the House of Commons only, but that the two inclosures shall be open to the Members of both Houses. I think that would be a convenience in cases where a Member might wish to bring his family and go into the same inclosure with them. I have to make an appeal to hon. Gentlemen on this point, and that is, that they

will have the goodness to apply for any tickets they may require on or before the rising of the House on Thursday evening next. The Speaker's Secretary has been kind enough, as usual, to undertake to distribute the tickets, and it is quite evident that, where so many tickets have to be issued, that gentleman must have at least one clear day in order to make sure that the tickets have not miscarried on their way to those who may have asked for them. Besides this, there will be inclosures for the friends of the Volunteers, and I propose to issue—what I hope will be considered a handsome amount—namely, 5,000 tickets. The rest of the inclosure will be devoted to public bodies, and at the extreme end there will be a small space set apart on each side for the general public—a very small space. [*Laughter.*] I can assure hon. Members that if for the last four days they had been occupying the post I have the honour to fill, they would not have met that remark with a laugh, for it appears to me that there is no end to the applications, both in point of numbers, distance, professions, and quarters in London and out of it, that have been flowing in by every post, and that before I had the honour of making any public announcement on the subject. Before I sit down I may be allowed, as guardian of the Parks, to make one appeal, not to hon. Members, but through this House to the general public. The Parks are now in all their beauty, both as regards flowers and trees, and, of course, as we must expect on Saturday next to see a vast concourse of people in the Park, so we must expect that there will be a great many persons who are not in this limited list which I have given to the House, and who will try to climb into the trees to see the Review. Everything will be done, as far as police arrangements are concerned, to guard on this occasion against the recurrence of that disastrous destruction of public property in the shape of trees that took place on the occasion of the last Review that was held. Everything will be done to prevent youths from breaking the trees, and breaking their own necks by tumbling out of them; but on an occasion of this kind, in the last resort, we must trust to the good sense and feeling of the general public to protect their own property as far as possible.



# CHINA—THE BLOCKADE QUESTION. QUESTION.

MR. PENDER asked the Under Secretary of State for the Colonies, What arrangement has been arrived at by the Government of Hong Kong with the Chinese authorities at Canton, in reference to what is known as the Blockade Question; and, if he would produce the Correspondence on the subject?

MR. J. LOWTHER, in reply, said, the Question, which was one of considerable difficulty, had for a long time occupied the anxious attention of Her Majesty's Government. Communications were at present going on between the Colonial and Foreign Offices on one side, and the Chinese authorities on the other; and he hoped the result of those communications would be that they would shortly be able to determine the amount of the duty that should be levied on the Chinese junks entering the port of Hong Kong. The Papers relating to the subject would shortly, he hoped, be laid on the Table of the House.

## POOR LAW AMENDMENT BILL.

(*Mr. Sclater-Booth, Mr. Salt.*)

[BILL 190.] CONSIDERATION.

Bill, as amended, *considered*.

Order read, for resuming adjourned Debate on Amendment [26th June] (proposed on Consideration of the Bill, as amended); and which Amendment was,

In page 5, line 3, after the word "away," to insert the words "The justices to hear the complaint against a husband, under the thirty-third section of the Act of the thirty-first and thirty-second years of Her Majesty, chapter one hundred and twenty-two, may be other than those who summoned him to appear before them, but acting for the same petty sessional division."—(*Mr. Sclater-Booth.*)

Question again proposed, "That those words be there inserted."

Debate *resumed*.

Question put, and *agreed to*.

MR. PELL moved, as an Amendment, that a provision be inserted to the effect that Boards of Guardians might, where it was considered practicable and expedient, grant medical relief by way of loan. His object was that when a case came before a Board of Guardians, in which the Board believed, after due in-

quiry, that an applicant for medical relief was only temporarily disabled from paying the cost thereof, the Guardians should be enabled to come to terms with him, so that they might recover from him the cost of the relief administered when his circumstances permitted of repayment.

Amendment proposed,

In page 6, line 34, after the word "orders," to insert the words "And any board of guardians may where medical relief is granted on loan declare that the same is so granted, and they may recover in any county court having jurisdiction in the union, or any part thereof, from the person to whom such relief is granted the reasonable cost of the same."—(*Mr. Pell.*)

Question proposed, "That those words be there inserted."

DR. LUSH said, that medical loan relief was a new term, and he wished to know if the adoption of the Amendment would throw any additional duties on the medical man without compensation?

MR. CLARE READ said, it was the general opinion of Boards of Guardians throughout the country and in the City of London, that powers ought to be given to them to recover the cost of medical relief granted on loan when the parties so relieved were in a position to repay the Guardians.

SIR ANDREW LUSHK objected to the Amendment.

MR. SCLATER-BOOTH hoped the hon. Member would not press so important an Amendment at that stage of the Bill. Giving medical relief on loan might be exceedingly useful; but the question ought to be fully discussed after Notice before it was agreed to by the House.

Amendment, by leave, *withdrawn*.

Bill to be read the third time *To-morrow*.

POOR LAW (SCOTLAND) (*re-committed*)  
BILL—[BILL 179.]

(*The Lord Advocate, Mr. Ascheton Cross.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*The Lord Advocate.*)

MR. BAXTER said, he had placed upon the Paper a Motion that the House should resolve itself into a Committee

on the Bill on this day three months. He had done so for two reasons—first, he disapproved the second reading of a Bill of this magnitude and importance, in which the people of Scotland felt so deep an interest, being taken at 1 or 2 o'clock in the morning, contrary, he begged to state, to all the usages and practices of the House of Commons; secondly, he had from the first thought that this was a bad Bill, and one which it would be extremely difficult properly to amend in Committee; therefore he had, immediately after the Whitsuntide holidays, placed his Motion upon the Paper. He found that many hon. Gentlemen who objected to this Bill still rather thought that some amendment of the Poor Law in Scotland was necessary, and that this Bill could after all be rendered a good Bill by alterations in Committee. He wished to say, however, that this was not his opinion. His Parliamentary experience led him to suppose that if the House once went into Committee on the Bill, the Lord Advocate, backed by a powerful Party, and acting on the principle of dividing and conquering, would be able to pass the measure much in its present form. Therefore, he wished to give the House an opportunity of expressing an opinion on the principle of the Bill, by moving that the House should resolve itself into Committee on this day three months. What, he would ask, was the principle of this Bill? Whenever he found in a Bill a clause printed in italics, and proposing that money should be given out of Her Majesty's Treasury, his suspicions were aroused, and he began to think that something was about to be done which could not be done except with a bribe. This was a Bill to confer upon the Board of Supervision powers so arbitrary, so extravagant, and he might almost say so paramount as had never been conferred by the House of Commons on any such body before, the local authorities being called upon to part with nearly all their powers for a miserable mess of pottage in the shape of a paltry grant to medical officers and some payment for medicines for the poor. The House ought to pause before it gave such wonderful powers to a Board which was neither representative nor responsible, whose proceedings were conducted in private, and against whose decisions there was no appeal. He believed that

practically this Bill would relieve the landowners of Scotland at the expense of the other members of the community. It was well known that the Board of Supervision was in favour of systems of classification which other classes of taxpayers, not interested in land, believed to be unjust to them. He sincerely trusted that Parliament would not delegate powers to an irresponsible Board against whose decisions there was no appeal. This was his main objection to the Bill, and on this ground he should vote against it, even if he entertained no other objections to it. He did not mean to go in detail into the various clauses of the Bill, but he had placed his Motion on the Paper in order to show his own opinion, and with the view of enabling Scotch Members who were interested in the subject to let the House have the benefit of their opinions; and no doubt they would refer to many points which he would not now dwell upon. He felt very strongly that if the House passed this Bill, which would deprive the local authorities in Scotland of nearly all their power, it would be found difficult to get men of position to act on the Parochial Boards; and this in itself would be a great public loss. Moreover, the Bill proposed virtually to disfranchise the owners of property below £20. Again, auditors were to be appointed by the Board of Supervision, and they were to be paid out of monies to be voted by Parliament. A gentleman who had been for more than 50 years acquainted with the working of the Scotch Poor Law, and who knew more about its working than any Member of that House, stated that applications had been pouring in from medical officers, accountants, and others asking for appointments under the Bill. The regulations under Section 38 would in most parishes in Scotland be wholly unworkable, and the expense of the auditing and book-keeping would be greater than the cost of the maintenance of the paupers. Such was the opinion of the gentleman to whose letter he had been referring. He should very much like to know what was the origin of this Bill. Was it a fact that it had been lying pigeon-holed at the Board of Supervision for a good many years? In his opinion, it was wholly uncalled for. A meeting of the representatives of Scotch parishes had been held in

Edinburgh, and without a dissentient voice they had asked the Government to withdraw this Bill. There were no fewer than 13 pages of Amendments to it, and this was a thing almost unprecedented in the history of Scotch legislation. He was by no means saying that the Scotch Poor Law was perfect. In many respects, he admitted, it might be improved—as, for instance, in the direction indicated by the Amendment of which his hon. Friend the Member for Forfarshire (Mr. Barclay) had given Notice—namely, by making the Board of Supervision more representative in its character. Something also might be done to diminish the great expense of the management in Scotland. The Bill of the Government did not, however, propose to make the Board of Supervision more representative, nor did it contain provisions which would diminish the cost of maintenance. He was not aware that any body of persons throughout Scotland had asked for the changes which this Bill would effect. On the contrary, it appeared to him that it was strongly opposed in all parts of the country, and by all classes of the community, and he did feel greatly disappointed that Her Majesty's Government, so far from having dropped it, had given it precedence over other Bills which had been received with favour in Scotland. He wished to take the opinions of Scotch Members on the present Bill, and with this view he begged to move that the House should resolve itself into Committee on that day three months.

MR. W. HOLMS, in seconding the Motion, said, that throughout Scotland a general interest was felt with regard to this Bill, and he had no hesitation in affirming that if it became law it would cause a great amount of dissatisfaction. It was looked upon not as a Bill to improve the administration of the Poor Law of Scotland, but as a Bill to confer greatly extended powers on the Board of Supervision. He would ask hon. Members to consider what this Board of Supervision was. It consisted of nine members, six being *ex-officio*, of whom two, the Lords Provost of Edinburgh and Glasgow, were gentlemen engaged in business, while at the same time they had to attend to the affairs of the great communities over which they presided, and, therefore, had little or no time to devote to the business of the Board.

*Mr. Baxter*

The same remark applied, perhaps in a higher degree, to the Solicitor General of Scotland, and to the Sheriffs of the three great counties of Ross, Perth, and Ayr. The remaining three members were nominated by the Government. One was the paid chairman, and another, Sir William Gibson-Craig, held the position of Lord Clerk Register, the onerous duties of which office no doubt occupied much of his time. The consequence of the constitution of the Board was—as might be expected—that the attendance of the members was extremely irregular. From a Report which he held in his hand, he found that last year 23 committee meetings were held, and that at none of them more than two members were present. There had been 27 general meetings, and, except on three occasions,—however important the business—there was not more than a quorum. A Member of the House of Commons, who had had a seat at the Board of Supervision for three years, had publicly stated that the whole business of the Board was practically done by the Chairman and the paid secretary. Of the nine members forming the Board seven were lawyers. Their business was conducted with closed doors, and no publicity was given to their proceedings except through the annual Report sent to the Home Secretary. So far as the administration of the Poor Law in England was concerned, a Gentleman directly responsible for it had a seat in the House, but there was no such representative with regard to Scotland. Hitherto, the functions of the Board of Supervision had been to supervise the local boards throughout the country, and to protect the interests of the poor. For this purpose the Board had been armed with most ample powers. It had been empowered to examine, by its members or by deputy, into the management of every parish in Scotland. No additional buildings for the accommodation of the poor could be erected without its approval, and rules and regulations drawn up by a Parochial Board could not be enforced until they had been sanctioned by the Board of Supervision. From the year 1845 till now, the operations of the Board had been watched with very great jealousy. Notwithstanding the amount of work it had to perform, an enormous amount of additional work was thrown upon it by the

the Health Act of 1867, which placed it the practical supervision of the thing out of that Act throughout and. The consequence was that in the Board declared that its secretary so overworked that he could no longer give his time to the performance very important duty—namely, that acting as arbiter in cases of disputed matters. It was now proposed to refer to this small, irresponsible, and overworked Board, a large amount of operative work which had hitherto performed by the Parochial Boards. In the Bill it would rest with the Board of Supervision to judge of the instances of a parish, and to decide whether additional poorhouse accommodation should be built or not. The Board of Supervision would alone have power to remove inspectors, governors of poorhouses, medical officers, even matrons. Now, he asked Members, would it not paralyse the efforts of local managers if they were not able to deal with those whom they might term under-servants, in the case of their disobeying orders? No, it was proposed by this Bill to leave the Board of Supervision alone, and not to grant to any pauper out-door relief for a longer period than one month. The Bill also enacted that the Board should make rules and regulations for bringing out children. And descending to the minutest details, it further enacted that the Board alone should decide whether a pauper might be allowed to leave home or return to a poorhouse. He believed that those provisions would prevent any independent man from getting a seat at a Parochial Board. But the Bill went further, for it provided that the Board of Supervision should appoint auditors to audit the accounts of the Parochial Boards, which, he might say, were composed of gentlemen who were themselves ratepayers, or the representatives of ratepayers, and who consequently were deeply interested in the economical administration of the affairs of the parish. Moreover, the members of the Parochial Boards were elected in the most open and public manner. But this was not all. There was a clause in the Bill of a most dangerous character. At present the Board of Supervision had power to make rules and regulations, which were of no avail unless they had received the sanction of

the Home Secretary; but the 43rd clause of the present Bill gave the Board power to vary or cancel any rules and regulations which had been made, and there was not a word about obtaining the sanction of the Home Secretary to such variations or cancellations. The result would be that the Board might pass rules which would receive the sanction of the Secretary of State, but as soon as they were so sanctioned they might proceed to alter or cancel them as they chose. He did not believe that such powers had ever been given to any Board, and he wished to know why they were to be given to the Board of Supervision? He thought the Government ought to have made some statement about the Bill; but up to the present moment no information had been given. He therefore had looked over the last five annual Reports of the Board of Supervision, in order to find, if possible, what were the reasons which had induced the Government to bring forward this measure, and from those Reports he had come to the conclusion that it could not be alleged that the Bill was rendered necessary on account of the want of sufficient accommodation for the poor, for it appeared from the Reports of the Board of Supervision that the accommodation throughout Scotland was at present available for a population of 2,970,000, leaving only 390,000 unprovided for. In other words, accommodation was already provided for nine-tenths of the population. Again, it could not be said that pauperism was increasing in Scotland, for 10 years ago there were 128,000 paupers, whereas last year the number had been reduced to 105,000. Moreover, he found that while in Scotland, during the last 10 years, the amount of pauperism had been diminished by 18 per cent, it had been reduced during the same period in England by only 9 per cent. It could not be said that the burden of taxation had increased, for in 1865 it was 11½d. per pound of the valuation, whereas in 1875 it was only 9½d. It could not be alleged that officials had been injudiciously appointed, for last year, in 886 parishes, the total number of complaints against inspectors, governors of poor-houses, and medical officers, had only been 28. He ventured to think that in no other public department—probably, indeed, in scarcely any private business—had there been so few com-

plaints in proportion to the number of *employés*. It could not be said that Parochial Boards had not done their duty to the poor, for during last year from 105,000 paupers there had only been 244 complaints of inadequate relief, and of these only 28 had been sustained. As to the question of boarding out children, regarding which it was proposed to give the central board full power, the Board of Supervision had themselves stated that not to them, but to the Parochial Boards was the merit due of having thought of the system of boarding out 25 years ago, which they had carried out with "kindness, judgment, and success." Why, then, make a change when the present system had worked so well? In very few instances, indeed, had the Board of Supervision complained of the management of the poor by Parochial Boards, and he could not find any complaint that in even a single instance suggestions made by the Board of Supervision had not been acted upon. It was, however, a remarkable fact that while last year the expenditure on the relief of the poor had been £25,000 less than it was seven years ago, the cost of management—over which the Board of Supervision had considerable control—had been increased £22,000, and it was worthy of remark that 14 per cent of the whole expenditure in Scotland was absorbed for mere management, while in England the proportion was only 12 per cent. He had examined the Report of the Select Committee of 1871, and while he was bound to admit that it contained many recommendations which had been adopted in this Bill, and some of which gave additional powers to the Board of Supervision, he thought that the general conclusion at which they arrived was contained in the following extract from the Report :—

"Suggestions have been made for giving larger powers to the Board of Supervision, and more especially for making it the final arbiter in all cases of settlement, with the view of saving expenses. Your Committee do not think any advantage is likely to arise from the adoption of such a proposal."

The Select Committee were therefore of opinion that no advantage would result from conferring additional powers upon the Board. ["No, no !"] The Parochial Boards did not wish for any change, nor was he aware that it was desired by

the people of Scotland. A few weeks ago he had occasion to visit Scotland, and came in contact with men of different political views. He found that there was an indignant feeling at the proposed interference of the Board of Supervision in parochial matters, and a general opinion that men of position and ability would no longer accept seats at Parochial Boards, the duty of which would be simply to obey the Board of Supervision. The result would be that an inferior class of men would manage parochial affairs, and that ultimately even the details of management would devolve on the Board of Supervision, which would be obliged to frame hard-and-fast rules and regulations which might be quite unsuitable for certain localities, or they would have to cover the country with swarms of inspectors to give them information. He admitted that the experience of 30 years showed the necessity for some legislation on such questions as the constitution of Parochial Boards, combination of parishes, and area of chargeability, medical relief, and with regard to the constitution of the Board of Supervision itself; but why should they not have a Bill dealing with such questions introduced on the basis of the legislation of 1845, leaving the local boards to be the initiative and executive body, and the Board of Supervision, as the name implied, to supervise the operations of the local boards? It was for the Government to show, he contended, that in order to amend the Poor Law of Scotland it was necessary to make such a sweeping transfer of power as was now proposed, and also that they were not paying too much for such amendment by a system of centralization, which happily was better known to Continental than to British statesmen. He should be wanting in political courage, if he did not protest against what appeared to him to be a determination on the part of Her Majesty's Government to undermine our local institutions, which had done so much to make the people of this country a self-reliant and law-abiding people. Two years ago, hon. Gentlemen were invited to relieve the local taxpayers as regarded lunatics and police, by a subsidy of £1,250,000 per annum from the Treasury, but the price to be paid was centralization. Again, the other night they were invited by the Home Secretary to accept

£390,000 per annum in relief of prison rates, but in this case also the price to be paid was centralization. And now they were asked to submit to a transference of the management of the poor from local boards to a central board sitting in Edinburgh. He would remind hon. Members that one of the greatest difficulties and dangers with which France had to contend in her struggle with Germany, was that during the siege of Paris every city and commune was paralyzed, because they had been accustomed under the French system of centralization to look to the Imperial Government for guidance and direction in the management of their local affairs. For the reasons which he had given, he felt it to be his duty to offer all the opposition in his power to a Bill which, if carried, he was sure would prove detrimental to the interests of Scotland, and would be a distinct advance towards bureaucratic as opposed to local administration.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," — (*Mr. Baxter*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

**MR. MARK STEWART** said, that notwithstanding the speeches of the two hon. Gentlemen who had preceded him, he maintained that if some pains were taken to amend this Bill in particular directions in Committee, it would be acceptable to those Gentlemen themselves and to the people of Scotland. There was nothing easier in that House than to find fault with a Government measure, especially a measure dealing with a subject with which so many in that House were conversant. He considered that a strong case was made out for considerable change in the Poor Law system of Scotland. He did not think the Board of Supervision was by any means so bad as it was said to be by the hon. Member for Paisley (*Mr. W. Holms*). True, in the Return that the hon. Gentleman moved for he found it consisted of nine persons, and, humanly speaking, it was impossible that all these nine

persons could attend, seeing that they lived in different parts of the country. In fact, from 1866 to 1876 these members only once attended altogether, and he found that in some years only four were present at several meetings. It was thus impossible for the members of the Board to be all intimately acquainted with what was going on in the deliberations of that body. But he could see no reason why the Board of Supervision could not be made more constitutional and more fairly represented in Parliament than it was. In England they had a representative of a Local Government Board in the House of Commons, and they knew perfectly well in Scotland that it was almost impossible that a Lord Advocate, especially a Lord Advocate with a large practice, could give his whole attention to those more minute matters of administration. It was therefore the more important to Scotland to be represented in that House by some Minister giving his special attention to this and kindred questions. He hoped by any remarks he was making he was not throwing any slight upon the Scotch Representative of the Home Department, for all knew how anxious he was to push on business, and how ably he did so. But it was impossible the Home Secretary could cope with all the details of Scotch as well as English business at one and the same time. It was very easy to find fault with this Bill; but on consideration it would be seen it contained important principles which could not be thrown aside. There were clauses in which there was much that was good, and much that would be found practicable and useful in carrying out the Scotch Poor Law. The great principle of this Bill was its adoption of a more general system of uniformity. Supposing the Board of Supervision to be constituted in a somewhat different manner, and to exercise the supervising influence which it was originally intended that it should exercise, they would have a good system already at work under which the local boards would carry on the same system that had been carried on since 1845, but considerably strengthened by increased powers given to the Board of Supervision. There were other points in the Bill which would meet approbation. One of them had been the subject of agitation by Scotch deputations and

Scotch Representatives since this Parliament met. It was a great matter to find that Government had so thoroughly given in to the views of Scotch Members on the question of medical relief, and that they were willing to establish equality in this matter. Another question had been agitated by different deputations coming from Scotland—namely, the superannuation of Poor Law Officers. It always appeared to him a great hardship that under the present Poor Law Act no Parochial Board could make provision for those often most deserving men who had given up the best part of their life's services in the administration in which they were placed. Then, again, there was a valuable provision in this Bill compelling the mother of an illegitimate child to go to the workhouse instead of receiving alimetary aid from the parish. There was a most important clause with respect to boarding out; and another that children should support their parents. There were other clauses stating that no out-door relief should be given in certain circumstances, and that the paupers, and especially the Irish paupers, might appeal against removal. It must not be forgotten that the Government had based this Bill, perhaps too much, on the Reports of that Committee which, he was informed, took two years to its deliberations on this Poor Law question. Almost every proposal in the Bill was founded on that Report. He would only ask hon. Gentlemen to look to the names in that Report. No doubt the House would hear that many hon. Members who served on that Committee had seen after experience that it was wrong in its conclusions. It was strange that these views which they entertained in 1871, were now, when they were on the other side of the House, disapproved of by the same Members. He should be as willing as any Member to assist in Committee in making this Bill a thoroughly satisfactory Bill, not only acceptable to the House but to the people of Scotland, because he was perfectly aware of the utter futility of passing measures through the House which had not the general sanction and approval of those outside the House. It was possible for his side of the House, being the stronger Party, to carry forward this measure; but unless it was amended—and he had Amend-

ments to more than one clause himself—he would not pledge himself to vote for the third reading, and he should be quite prepared to vote against the measure unless he considered it generally acceptable to the country.

MR. TREVELYAN said, his hon. Friend the Member for Montrose (Mr. Baxter) began his speech by saying it was very seldom that a Bill as important in principle did not receive full discussion on the second reading; and he would go further, and say that he had never known a Bill which proposed to make such sweeping advances in such a novel and questionable direction, which had been laid before the House, and kept before it till it reached this stage, with such a scanty and miserly exposition of the principles on which it was based. The truth was, the Bill had been introduced to the House as lightly as if it were a Highway Bill concerning a single county, with the consent of all parties concerned, and not a measure for abolishing self-government in one of its most important departments, and that not in a single county or isolated town not fit to conduct its own affairs, but in the most self-governing portion of the European nation. Very different reasons must be given before they could consent, on behalf of those who sent them there to represent them, to make such a sweeping and radical change in the nature of the local bodies of Scotland, and in taking from those local bodies, when they had been so manipulated, all that was essential, all that was weighty, all that was dignified in their functions, in order to entrust those functions to a Board whose proceedings were secret, whose authority was autocratic, and whose constitution, as his hon. Friend next him (Mr. Holmes) had shown, was anomalous to the very verge of absurdity. When this Bill was first brought forward there was a universal feeling of uneasiness in Scotland. That feeling showed itself in Petitions, circulars, and memorials, and culminated in a grand deputation to the Lord Advocate. The right hon. and learned Gentleman received that deputation with that courtesy which he always extended to every one who approached him from any public or private motive; but he (Mr. Trevelyan) must allow in this case the courtesy was rather an injury than a benefit to those to

*Mr. Mark Stewart*

whom it was extended, for the result was that it sent them back to their northern homes with the opinion that the right hon. Gentleman who was so kind in his manner could not be so cruel in fact, and with the idea that all the objectionable features of the Bill would be expunged in the second edition. But when the second edition appeared it was evident that the Bill, to all intents and purposes, was precisely the same, and it was astonishing to him that any one who knew the Scotch people—that remarkable people who read Parliamentary Bills with the same eagerness as people of other countries read sensational novels—could have imagined for a moment that changes so slight and so insignificant would have satisfied so general a demand for the withdrawal of the Bill. He would not refer to the conference in Edinburgh except to say that that conference, which was held after this amended Bill was presented to the House, showed the disappointment of the country at the second edition of the Bill to be at least as great as its disapprobation of the first. Of the Parochial Boards which attended that conference or sent down opinions to it, 10 would not offer a distinct opinion; one was in favour of the Bill as a whole, and three were in favour of it in part; while 52 were opposed to it root and branch. He believed he could put new facts before the House which would leave it under the same impression as regarded this Bill as that of the Parochial Boards of Scotland. In the first place, the Bill contained provisions for re-distributing local burdens in property—provisions which would be an immense boon to one class and an immense infliction on another. The President of the English Poor Law Board had introduced a Valuation Bill into the House, and in the third schedule of that Bill he had laid down the very important principle that deductions should be made from the gross rental of certain classes of property. Now, broadly stated, this principle went to assert that there were certain classes of property which were so expensive to keep up that it was only just, in rating that property, to make an abatement. In this schedule to the Valuation Bill, which was actually a Government measure now before the House, 25 per cent was to be deducted from the value of houses, and more than

33 per cent from the value of manufactories. This principle was contained in the Poor Law Act of 1845. The 37th section distinctly sanctioned such a deduction, and in consequence of that 37th clause, a large number of towns in Scotland had carried out that principle, and had made large deductions from the valuation of mills, factories, and houses. And then there came the Lord Advocate with a Bill of 19 clauses, by which the 37th section of the Act of 1845 was abolished, and by which all rental was henceforward to be the gross rental—that was to say, the responsible Minister for the Poor Law Department came down to the House, with the concurrence of the Cabinet, and proposed to give the Government sanction to a principle which had had the sanction of the practice of the country for a great many years; and in the same Session and in the same month a Member of the same Government, with an inconsistency such as he had never seen in that House before, called upon Members to declare against the principle in favour of which his Colleague had emphatically pronounced. He was glad to see a Cabinet Minister present (Mr. Cross). He hoped the Government would turn their attention to this Bill, and would not allow a Bill to be introduced which forbade the voluntary adoption of a principle North of the Tweed which they were themselves making universal and compulsory South of it. The suffering which was going to be inflicted on owners of house property was not confined to these cases. There was a more serious matter behind. By Clauses 17 and 18 the Board of Supervision might not only recommend, but might actually impose upon parishes its own notion of the classification of tenants for which rates ought to be levied. Now, what the notion of the Board of Supervision with regard to the classification of tenants was, Scotch people knew only too well. They issued a circular in 1868, the principles enunciated in which had been carried out in a large number of parishes. According to this, the tenant of land was to pay only a fourth or a fifth of what the owner had to pay; and henceforward, if this Bill was passed, no doubt that would be the classification which would be adopted all over Scotland. The result would be that house property, after this Bill had become law, would in some



places be charged 56 per cent more than it was charged now, while land would be relieved to the extent of nearly 70 per cent. This was an enormous change. It meant in the case of houses almost confiscation, and in the case of land it went a long way towards exemption; and he thought that hon. Gentlemen who had been accustomed to know how matters were carried on in this country would agree that a change of this gravity should only be carried through by two methods. One was that it should be imposed by the Imperial Parliament, in which every ratepayer in the towns, at any rate, had a voice through his Representative; the other, that it should be imposed by local boards, in which every ratepayer sat in person or by proxy. There was one course remaining by which they might make this great fiscal change, and that was one to which this country was not very partial. It might be imposed by the bureaucratic will of a central board. This was the course which the right hon. Gentleman had chosen to adopt. But the interference of the Government was carried on in much more serious matters than local taxation. The Board of Supervision was, according to this Bill, to have a paramount influence in arranging the election of these Parochial Boards, which were the head and front of our local government. The great body of the owners, the people who at present were the rank and file and the strength of the Parochial Boards, were no longer to sit on the boards, but were to elect so many of their number as from time to time might be fixed by the Board of Supervision. This was disfranchisement of the most wholesale description, and disfranchisement, let him say, of an exceedingly humiliating and invidious description. To be deprived of one's franchise by the will of Parliament or by the election of a Judge was a very serious matter; but it was a very much more serious matter to have one's privilege and franchise dependent upon the will of an invisible salaried official—an official who was appointed, not by the voice of the people, but by the Central Government, and it was a still more serious thing that such an extraordinary invasion of the rights of Britons should be introduced by a right hon. Gentleman who was a Member of the Government which extended household suffrage to the

dwellers in towns. It was a matter of very great regret that the influence of the householders and the owners of house property should be diminished on these boards at a time when they were going to pay such a very much larger share of the local rates, and the holders of land should have so much greater influence when they were going to pay so much less to the parish. We had here a Bill which would add to the value of land 5 or 10 per cent in certain parishes. The same Bill which gave this great addition to the value of land gave a seat to every landowner of any importance, and immensely diminished the influence on those boards of those people who were to pay a so much larger part of the local burdens. He believed that this Bill had been truthfully described as a piece of unmitigated class legislation. It would be rejected by all burgh Members, whose constituents it injured, and he firmly believed it would be repudiated by a good many county Members, whose interests it so unduly and inequitably favoured. Clause 40 took out of the hands of the Parochial Boards the power of appointing certain officials. These were henceforward not to be trusted servants of their true masters, the people who paid them their salaries; they were to be instruments of a central board, which would be able to exercise its influence throughout the length and breadth of Scotland by means of officials who were dependent on it for their bread. By this clause would be destroyed that confidence which ought to exist between employer and employed, and the officials of the Poor Law would be more and more placed under the most grievous temptation to thwart their employers of the Parochial Board at every turn, because some one who lived in Edinburgh had theories upon Poor Law questions which he had determined to force down the throats of the local bodies. Then came another set of clauses—36 to 38—which gave the appointment of auditors to the Board of Supervision, and the Bill allowed the Board to lay down the rules under which the audit was to be conducted. By means of those auditors the Board of Supervision would acquire over the local boards themselves very much the same sort of hold as that which another clause gave them over the officers of the local boards. They had heard a great deal

*Mr. Trevelyan*

about the members of local boards being obliged from time to time to have interviews with Ministers and Members of Parliament. That was a grievance which he allowed the Bill would at once remove. He should like to see the face of a Government auditor called upon to audit the expenses of a deputation sent to London to protest against the policy of the board upon which he was dependent for his official existence. By Clause 15 the Parochial Board could not even make a request for a pauper without the ink of its being disallowed. By Clause 16, a Parochial Board really lost the power of transferring the paupers from parish to parish on its judgment. The utmost it was allowed to do was that while awaiting the fiat of the Board of Supervision, it could allow "such person such interim allowance as might be required." Then came the great question of out-door and in-door relief, and connected with that subject was the other great question of boarding out pauper children. That was a question too high for the limited intellect of Scotland, and it must be left to the Board of Supervision to discuss. A few collectors to get in the rates, and a few clerks to arrange the accounts, would be far better instruments for the Board of Supervision than those parochial bodies which were to be so elaborately elected. He would venture to say that no man with self-respect, no man who thoroughly understood the interests of his locality, and keenly sympathized with its feelings, would consent to sit on a board at which his opinions on any local matter, however important, would simply go for nothing, unless those opinions happened to coincide with the stereotyped notions of a board sitting 150 miles off. How was the Board of Supervision constituted? It was constituted by a paid chairman and a paid secretary, the Provosts of Edinburgh and Glasgow, the Solicitor General of the Government for the time being, three Sheriffs of counties, who got £100 a year, and one or two gentlemen who had obtained such very great celebrity in other departments of life that he thought he might fairly describe them as ornamental members. That was the Board of Supervision. It was a Board which was to eat up all the local boards as Pharaoh's rod ate up all the other rods—a board which had no merit of constitution except its omnivorous powers

of digestion. He would just ask English Members what they would think if the President of the Local Government Board was to come down to the House and propose to give over the assessment, the levying, the disbursement, the auditing of all local rates, and the entire management of the Poor Law system to a board composed of one of the Law Officers of the Government, the Lord Mayors of London and York, Sir Henry Maine, Mr. Milner Gibson, and the County Court Judges of Kent, Cheshire, and Cambridgeshire? He might fairly ask the English hon. Members to put themselves in the place of the Scotch Members, and to remember that all that was done in order to increase the power of a body for whose farcical constitution they were called upon to immolate the self-government of Scotland, and to sacrifice much that was best in the spirit of the Scotch institutions and the character of the Scotch people.

SIR GRAHAM MONTGOMERY could answer the question that had been put as to the origin of the Bill. Who was it that first proposed a Committee of Investigation into the management of Poor Law in Scotland? Why, an hon. Member who sat opposite—the then Member for the Ayr Burghs (Mr. E. Craufurd). He took great interest in the matter, and he was very much dissatisfied with the Scotch Law. The consequence was that he persuaded the House to grant him a Committee of Inquiry into the whole management of the Scotch Poor Law, and the hon. Member obtained the Committee. Before it was collected an immense amount of valuable evidence in reference to the management of the Scotch Poor Law. He supposed some Members had never read the evidence of that Committee; but if they would only do so, they would find that there was not a single clause in the Bill which had not the recommendation of that Select Committee to support it. In fact, he was satisfied that there was hardly a single thing in the Bill which had not been recommended by the Select Committee of 1871. He said that after having examined the recommendations of the Committee, and after having gone over the clauses *seriatim*. Had not the people of Scotland long been clamouring for a fair share of grant for medical relief? Did not the Bill propose to give what they had been asking for, and was

not that one point to recommend the Bill to the favourable consideration of the House? Every Parochial Board in Scotland for the future would have the means of using a test. A good deal had been said about the constitution of the Board of Supervision. He did not pretend to say that the constitution of the Board was as perfect as it might be; but it was not the first time that the constitution of the Board had been found fault with in the House. It was a common custom, particularly on the opposite side of the House, to find fault not only with the Board of Supervision, but with all the Boards in Scotland. So much at one time was said on the subject that at last the Treasury resolved to get at the bottom of the dislike to them, and they appointed the Commission which was so ably presided over by the Earl of Camperdown. That Commission went to Scotland and made inquiries. They investigated, for instance, the conduct of the Board of Supervision, and if any hon. Member would read the Report of the Commission on the point of the management of the Board of Supervision, he would find that their management was highly commended. It was said the Bill was going to give powers to the Board which they ought not to have. He was not aware exactly what the powers of the Local Government Board in England were; but he had been told that there was no power given to the Board in Scotland which the Local Government Board did not possess at that moment. If that were so, he could not see why hon. Members should declaim so much against the powers proposed to be given. The hon. Member for the Border Burghs (Mr. Trevelyan) took exception to the 32nd and 45th clauses, and he blamed the Government for allowing the system of valuation to be altered. The question of a difference in the systems of England and Scotland was nothing new. Why, he had heard of it in the House for the last 15 years. They knew that in England the valuation was not a gross valuation; there were reductions made. But the system in Scotland was different for every rate except the poor rate, which was assessed on the gross. His hon. Friend had found fault with classification; but if they were to have a gross valuation it was quite fair there should be a classification. The Board of Supervision had hitherto regu-

lated the classification of parishes in Scotland, and he had never heard anyone complain of their proceedings in that matter. As to himself, he was not afraid to entrust them with that important power, and he felt quite sure that they would so arrange the different classes of property as to make the rate much fairer than it was at that moment. The Bill, in his opinion, would improve the Poor Law administration in Scotland to a great degree. He, for one, had no jealousy of the Board of Supervision. He believed no Board was better managed, and it would be safe for the House to entrust it with the powers contained in the Bill.

MR. GRANT DUFF said, he did not wish to re-traverse the ground that had been traversed by his right hon. Friend near him (Mr. Baxter), and others who had ably supported him on that side of the House. At the same time he did not wish to give a quite silent vote, for he really did not remember any Bill for a long time past that had called for such strong disapprobation in the district of burghs which he had the honour to represent. When he first looked at it he hoped that it might go through the usual routine of Scotch Bills—that was, that they should correspond with their constituents, discuss it in the Lobby, communicate privately with the Lord Advocate, possibly have a meeting of Scotch Members, and so gradually arrive at some sort of *modus vivendi*, so to speak, with those who introduced it. When, however, he had corresponded with his constituents, and had looked further into the Bill, he saw all hope of an agreement vanish away. Unless the right hon. Gentleman opposite would consent to strike out those clauses which gave so great an increase of power to the Board of Supervision at the expense of the Parochial Boards, and unless he would consent to strike out the provisions which conferred advantages on land at the expense of house property, it was idle to imagine that they could come to any understanding with him. He (Mr. Grant Duff) was sure that was the general feeling of the Members for Scotland who sat on that side. Well, if that was so, what was the position? They were not in Committee, yet this was the 27th of June. There were 19 pages of the Bill, and 13 pages of Amendments. What chance was there of the Bill becoming

law that Session? Would not the right hon. Gentleman consult his own interest and the interest of the Government if he withdrew the Bill, with the intention of bringing in another, next Session, embodying what good clauses there were in this, and adding others to carry into effect necessary reforms? Would he not thereby give some Scotch Bills, about which they might agree, a better chance of being pushed forward? He made that suggestion in the interest of Public Business generally, though of Scotch Business in particular, and he trusted it might meet with some favour at the hands of Her Majesty's Government.

Mr. ORR EWING said, that until he saw the Amendment for the rejection of the Bill on the Paper, he was not aware that there existed in any part of Scotland any objection to the principle of the Bill. There had not been any Petition from any part of Scotland against it, and he understood that a feeling the reverse of that existed. There was no talent so commanding as that which could make the worse appear the better cause; but he hoped the eloquence of the hon. Member for the Border Burghs (Mr. Trevelyan) would not have such influence in the House as to lead it to the conclusion which he desired hon. Members should arrive at. A greater misrepresentation of the objects of the Bill than that contained in the hon. Member's speech was never laid before the attention of the House. Had he been a Member of the Committee which had sat for three years on the Bill, or had he been a Scotchman conversant with the management of parochial matters, he never would have made such statements as those which he had indulged in. He (Mr. Orr Ewing) could hardly believe his understanding while he listened to him. The hon. Member had spoken of class legislation, and of the doing away with the liberties of self-government. Where was the class legislation? He said taxation on land would be reduced 70 per cent, and the taxation of houses raised 60 per cent. He (Mr. Orr Ewing) was interested both in land and houses; but he was far more interested in houses than in land, and if there was one atom of truth in the statement he would be an opponent of the Bill not only on his own account, but on behalf of others. The statement had been repeated by another hon. Member opposite who had not the

same apology as the hon. Member for the Border Burghs, for he was familiar with Scotch business. He only hoped when they got into Committee on the Bill that both hon. Members would be able to substantiate their statements, and if they did so, he, for one, would give them his support. The only reason brought forward by the right hon. Member for Montrose (Mr. Baxter) against the Bill was that there was no chance of taxation being lessened by it. He had also said that the Bill ought to be laid aside, and that the Roads Bill should be passed in its place. That reminded him of their Irish Friends, who the other night would not allow the Judicature Bill to pass, because they wished for some promise in regard to another Bill. But Scotchmen had so far received credit for the way in which they had conducted their business in the House, and he hoped they would continue to deserve that credit. Was the right hon. Member for Montrose familiar with the Report of the Committee? Why, every clause in this Bill for the alteration of the present Poor Law had been recommended by the Committee. He objected to the 37th clause—that had been recommended, and he hoped it would be carried. Nothing was more difficult to make than the reductions from the gross valuation; but it could be thoroughly insured by the classification which was embraced in the Bill. He hoped both Englishmen and Irishmen would see the advantage of the system, and that they would rather imitate Scotland in that respect than that she should follow them. A great deal had been said about the Board of Supervision, and the hon. Member for Paisley (Mr. W. Holms) had declared that it was composed of a body of men who had no time to attend to the duties of the Board, and that the members who met were very small in numbers. But in reply to that, he would say that he was not aware that a small committee was a bad way of getting through business. Although the legal gentlemen might not always attend the committee meetings, all the papers, whenever a legal point was raised, were sent to their houses, and there was the advantage of their opinion being given on every legal case. The Select Committee appointed to investigate the affairs of the Boards in Scotland was proposed by the then hon. Member for the Ayr

creased powers of the Board of Supervision, the fact was that the Select Committee made no recommendation on the subject. The truth was that the whole question turned on this—whether the House was prepared or not to adopt any additional regulations with regard to out-door relief, and to introduce any changes to remedy the admitted defects of the system as it now existed. For his own part, he believed that the result of the proposals of the Government would be to secure more, instead of to bring about less, independence than there was under the present system. Everything depended on the extent to which the powers of supervision established by the Bill were under regulation; and whatever decision the House might arrive at, he trusted that neither the House nor the Government would err on the other side, and give too much power to the local bodies, for he held it to be a sound principle of local parochial management that these should be under a certain amount of control at all events. There must be some regulations as to administration, and he did not know any other or better way of securing the object in view than by an efficient system of inspection and audit. Holding these opinions, he thought that the Bill was well worth the consideration of the House, and trusted that the House would allow the measure to go into Committee.

MR. D. CAMERON moved the Adjournment of the Debate.

*Motion agreed to.*

*Debate adjourned till Thursday.*

#### CIVIL BILL COURTS (IRELAND) BILL.

(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.*)

[BILL 82.] SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) moved that the Bill be now read a second time, with the view of a Select Committee being appointed to consider it.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Solicitor General for Ireland.*)

SIR COLMAN O'LOGHLEN was sorry to say that he could not agree with

*Sir Edward Colebrooke*

the proposition. The Bill was one of the most important relating to Ireland that could be brought before the House. It proposed to revolutionize the whole system of County Courts, and that being the case it ought not to be read a second time in that way without a discussion. The Bill was introduced and read the first time on the 8th February, and had been put down for second reading about 50 times. Yet the discussion had not taken place to this day, and the Government therefore had no right to complain that he objected to it being referred to a Select Committee in this summary manner. To refer the Bill to a Select Committee in July was quite absurd. Most of the Irish Members would not be in the House in July, and it was very important that persons taking an interest in the question should serve on the Committee. He repeated that the Bill involved changes of the most important character. The House would, perhaps, be surprised to hear that the County Courts were now nearly 80 years old. They existed in Ireland before they existed in England. They were indebted to the Irish Parliament, which they were so much in the habit of abusing, for the first establishment of Civil Courts in Ireland, and they were now exercising a jurisdiction under an Act passed in 1796. They were the cheapest Courts in any part of the United Kingdom. They had given universal satisfaction to the people in Ireland, and he believed there were no Courts in Ireland in which people had such confidence as they had in the Civil Courts.

And it being ten minutes before Seven of the clock, the Debate was adjourned till *this day*.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

#### CHINA.—RESOLUTION.

MR. RICHARD, in rising to move—

"That, having regard to the unsatisfactory nature of our relations with China, and to the desirability of placing those relations on a permanently satisfactory footing, this House is of opinion that the existing Treaty between the two Countries should be so revised as to promote the interests of legitimate Commerce, and to secure the just rights of the Chinese Government and people."

said: Mr. Speaker, the question to which I have to call the attention of the House this evening, it will be admitted on all hands, is one of very grave importance. We have, by our own act, or by a series of acts, entered into relations with an Empire containing between 300,000,000 and 400,000,000 of souls, and forming probably not much less than a third of the whole human race. Assuredly, it is desirable that those relations should be friendly and pacific. That they are not so, that they have not been so, any time for the last 40 or 50 years, is unhappily too notorious. A few months ago we seemed to be on the eve of another war with China, which, if it had broken out, would have been the fourth war we have waged against the Chinese within one generation. Now, the question arises—Whose fault is it that our relations with that country are in so disturbed and unsatisfactory a condition? Well, a thorough-going and unscrupulous patriotism would say without hesitation, and with great emphasis—It is entirely the fault of the Chinese; they are an arrogant, insolent, treacherous race of barbarians, or semi-barbarians, who know not how to keep faith or observe Treaty engagements, and they have come into contact with us, an upright, honourable, law-abiding people, who are always faithful to our obligations, and who have shown the most wonderful forbearance towards them; while they are resisting, by running and chicanery, our efforts to introduce among them the germs of a higher and better civilization than their own. Unhappily, the voice of historical truth does not ratify this self-complacent judgment. On the contrary, my impression, after a somewhat careful study of the question for many years is, that there is no part of our history upon which an honest Englishman, who brings to the examination of the case an unprejudiced mind and an unsophisticated conscience, can look back with so little of complacency, or with more of mortification or shame, than that which records our doings in China. That is to say, if we are to be judged by the ordinary rules of international morality. But if we are chartered libertines, men above ordinances, as some of the sectaries in the time of the Commonwealth claimed to be; if we have a dispensation which absolves us from observing the obligations of the moral law in certain latitudes

and towards certain races of men, that is of course a different matter, and we are left absolutely without any standard by which we can estimate our own conduct. And it really seems to me that some of our countrymen in the East seem disposed to push their pretensions even to that extent. I read in a recent number of *The China Mail* these words—

“We dispute that China has international rights similar to those preserved by ourselves and other Western nations. Justice to a semi-barbarian nation becomes injustice to our own people.”

But I hope the British Parliament will lend no countenance to such immoral doctrines as these. It seems to me, indeed, that one source of the errors into which we have fallen in China is just this—that we have virtually abandoned the initiative and the direction of our policy into the hands of a small commercial community, who have powerful connections at home, and who have interests real, or imaginary, of their own to subserve, which, in my opinion, are not always the interests of the nation. It is not necessary for me to disclaim any hostility to commerce. I honour commerce as, next to Christianity, the most powerful agent in the civilization of mankind, dispelling ignorance, effacing prejudice, multiplying ten-fold by diffusion the beneficent gifts with which Providence has endowed humanity, and bringing men of different nations and races into relations of mutual dependence for the promotion of their common happiness and well-being. But that must be commerce content to clothe itself in its own legitimate attributes, and to use means that are in harmony with its own character. Not the commerce that is always clamouring for gun-boats and broadsides; not the commerce that wants to force itself on unwilling populations at the mouth of the cannon and at the point of the bayonet; not the commerce which is always holding its loaded revolver at the head of its customers to force them to receive articles which they do not want, or which they reject with abhorrence as injurious to them. I deny that that is honourable and legitimate commerce. I have no doubt that there are among our countrymen in China and Burmah, and other Eastern countries, many who cherish friendly and generous feelings towards the people among

whom they live and with whom they trade, and would willingly do, and are doing, what lies in their power to befriend them. But I am afraid that is not the case with the majority, if we may judge by the tone of the organs who are supposed to represent their sentiments. The fault I find with these classes of our countrymen is this—that they seem to be always looking out for occasions of offence, and when they rise, though they may be of a trivial character, they eagerly seize upon them and do everything in their power to present them in the most aggravated form, and make them the foundation for invoking the extremest measures—measures of vengeance, of aggression, of annexation. They seem always intent upon pushing this country into war with Oriental nations; wars in which they do not fight, and for which they do not pay. The way in which the thing is managed is this: When any difference arises between our officials and some Eastern Power—and differences will arise without any necessity of assuming that either side is purposely and perversely in the wrong—the most alarming telegrams are sent to this country about insult to the British Minister, or insult to the British flag, and the other customary phrases which rouse the British lion. And although later and more accurate intelligence may show that they were grossly exaggerated, if not altogether unfounded, they have in the meantime done their office in inflaming public opinion at home, and preparing a certain class of writers in our own Press, to raise the cry for vengeance and war. I can give some illustrations of the spirit of which I complain in connection with a late event in the East, which has attracted much attention in this country, I mean the expedition to Yunnan and the murder of Mr. Margary. As soon as intelligence of that deplorable event reached China, our countrymen there, in the absence of all authentic information, immediately rushed to the conclusion that it was owing to the treachery of the Burmese or Chinese Government, or a combination of both. Now there is abundant evidence to prove, especially that of Dr. Anderson, who was himself a member of the expedition, that there is no ground whatever for the accusation that either the Burmese Government or people were implicated in that matter.

*Mr. Richard*

On the contrary, Dr. Anderson shows that the embassy was treated with marked honour and hospitality.

"Nothing," he says, "was left undone to show that the king delighted to honour the members of the Mission. . . . A numerous guard was assembled, the Royal order being that the Mission was to be safely escorted to the Chinese frontier."

That guard performed their duty with the utmost vigilance and faithfulness, and at the hazard of their own lives protected the members of the expedition, when they were assailed.

"Nothing," says Dr. Anderson, "would have been easier than for the Burmese to have deserted their charge; but from first to last they displayed a zealous fidelity beyond all praise."

But while the Burmese Sovereign and people were acting thus, what were our countrymen in China saying? These are the words of *The North China Herald* for May 15th, 1875—

"The impression in India is strong that the King of Burmah was the chief instigator of the outrage . . . . If the Burmese King's complicity can be proved so much the better. His deposition and the advance of the British frontier to the borders of Yunnan would be a great political gain."

In another number of the same paper we read—

"If a share of the responsibility can be brought home to the King of Burmah, we fancy his tenure of power will become precarious. There can be no doubt that England would be conferring a boon on the people by incorporating Burmah Proper with the sea-board territory over which she already rules."

So again with regard to China, there is no proof whatever that the Chinese Government was guilty of any complicity in the murder of Mr. Margary. Yet that was quietly assumed and immediate hostilities demanded. *The North China Herald* of April 15th, 1875, says—

"Apart from the punishment of the crime, and beyond the necessity to re-establish our prestige on the frontier, arises the broad question of our position and policy in China, and the opportunity should be taken to re-assert both with a firm hand. It cannot be denied that the influence gained by the last war has been gradually slipping from us, the respect which our victories insured for us has been dying out, and the traditional influence of the Chinese mandarin is again obnoxiously evident. It is high time to remedy this, and the present opportunity is a favourable one to teach the Chinese a new lesson."

So that what these modest people proposed was, that on mere suspicion, we

should take two wars upon our own hands in the East—one in Burmah, to end by the annexation of the whole country to our Indian territories, and the other with China, to teach the Chinese a lesson, and also to annex—for that was part of the programme—some further portion of that country, for our countrymen in all parts of the world have a perfect mania for annexation. When we went to war with Abyssinia, we were told that after the capture of Magdala we ought to have taken possession of the whole country. When we quarrelled with the Ashantees, on the West Coast of Africa, there were people who actually proposed that we should extend our possessions there. I believe, if a dozen of our countrymen could find their way to the moon, they would not have been there a twelve-month before they would send a memorial to the Colonial Office, asking it to annex the moon to the British Empire. Lest I should be thought to bear too hard upon our countrymen in the East in what I have said, let me fortify my own opinion by the authority of one whose name and character are held in honour by men of all parties in this House, and in the country, I mean Lord Elgin. It is well known that he was engaged in two special Missions to China. Three or four years ago, his *Letters and Journals* were published—a book of rare interest, especially as a revelation of the man. No one could read it without seeing that he was a man of noble, generous, humane character, and it is clear that the spirit displayed by our countrymen in the East was like a perpetual nightmare to him. Writing to his friends at home, he says—

“I have gone through a good deal since we parted. Certainly I have seen more to disgust me with my fellow-countrymen than I saw during the whole course of my previous life, since I have found them in the East, among populations too timid to resist and too ignorant to complain. I have an instinct in me which loves righteousness and hates iniquity, and all this keeps me in a perpetual boil.”

Elsewhere he says—

“I am sure that in our relations with these Chinese we have acted scandalously, and I would not have been a party to the measures of violence which have taken place, if I had not believed that I could work out of them some good for them.”

Again, speaking of Mr. Russell's book on the Indian Mutiny, and compli-

menting him highly on the courage with which he had exposed “the scandalous treatment” which the Natives received at our hands in India, he goes on—

“Can I do anything to prevent England from calling down on herself God's curse for brutalities committed on another feeble Oriental race? Or are all my exertions to result only in the extension of the area over which Englishmen are to exhibit how hollow and superficial are both their civilization and their Christianity? . . . . The tone of the two or three men connected with mercantile houses in China, whom I find on board, is all for blood and massacre on a great scale. I hope they will be disappointed; but it is not a cheering or hopeful prospect, look at it from what side one may.”

I have dwelt upon this point, not with a view of casting reproach upon our countrymen in Burmah and China, and other Eastern countries, but because it is, in my opinion, a point of great practical importance. I say we have abandoned the control of our Chinese policy into the hands of these merchants; but I hope the British Government, and Parliament, and people, will become alive to their own responsibility, and to the necessity of taking that policy into their own hands, to be directed by their own principles. I differ wide as the Poles asunder from the doctrine laid down by the hon. Member for Orkney (Mr. Laing) last year in the debate on the Motion of my hon. Friend the Member for Wigtown (Mr. Mark Stewart). He seemed to resent any one in this House presuming to discuss Eastern questions. He told us that India cannot be governed according to English ideas. Well, as I believe that, in the main, English ideas are ideas of justice, humanity and mercy, I want India and China, and Burmah also, so far as they are under our control, to be governed by English ideas. The same kind of language used to be held by the promoters of the Slave Trade and by the West India planters towards Clarkson, and Wilberforce, and Brougham, and Buxton, and Sturge. They were told that they did not understand the West Indies or the peculiar conditions of society that existed there, and that therefore they ought not to meddle. But the British Parliament did not listen to those reclamations, and insisted that the West Indies should be governed according to English ideas, and the consequence was that the Slave Trade and Slavery were



Canton. Well, that war was ended by the Treaty of Tientsin, one of the principal provisions of which was the forced legalization of the opium traffic. I say "forced" because there cannot be a doubt that the Chinese retained as strongly as ever their dislike of that trade. Mr. Reed, the American Minister, spoke in one of his letters published in our Blue Book, of

"their fear even to talk on a subject which they thought had once involved them in war, and which might give them trouble again."

It is only just to Lord Elgin to say that he also personally felt great reluctance to press this matter upon them. He says—

"I could not reconcile it to my sense of right to urge the Imperial Government to abandon its traditional policy in this respect."

But he had his instructions from home, and his official and commercial *entourage* in China urged him to demand the legalization of the trade. That this was forced upon the Chinese, along with other concessions in the Treaty of Tientsin, there is ample evidence to prove. Here is an extract from Commissioner Kweilang to Lord Elgin in October, 1858, pleading for some forbearance as to carrying into execution certain of the Articles of the Treaty of Tientsin—

"When the Chinese Commissioner negotiated a Treaty with your Excellency at Tientsin, British vessels of war were lying in that port; there was a pressure of an armed force, a state of excitement and alarm, and the Treaty had to be signed at once without a moment's delay. Deliberation was out of the question; the Commissioners had no alternative but to accept the conditions forced upon them."—[*Correspondence relative to Lord Elgin's Mission*, pp. 408-9.]

This is abundantly confirmed by the acknowledgments of our own officials. Sir Rutherford Alcock says—

"To keep as clear as possible of all foreign Governments is a very natural desire on the part of those who have thrice, in a single generation, had objectionable Treaties imposed upon them at the point of the bayonet."

And so Lord Elgin, referring to the Treaty of Tientsin, says—

"The concessions obtained in the Treaty from the Chinese Government are not in themselves extravagant, but in the eyes of the Chinese Government they amount to a revolution. They have been extorted therefore from its fears."

Still more emphatic, if possible, is the

*Mr. Richard*

language of Sir Thomas Wade, writing in 1868—

"Nothing that has been gained was received from the free will of the Chinese. The concessions made to us have been from first to last extorted 'against the conscience of the nation,' in defiance, that is to say, of the moral convictions of its educated men, not merely of the office-holders whom we call Mandarins, and who are numerically but a small proportion of the educated class, but of the millions who are saturated with a knowledge of the history and philosophy of their country."

The Treaty, therefore, legalizing the opium trade was extorted from the Chinese against the conscience of the nation; and their proposals in the course of the negotiations, to put some check upon it, at least by means of a high duty, were likewise rejected. Now, Sir, I must say this appears to me a humiliating spectacle to see all the resources of British diplomacy, and all the terrors of British power employed in the name of a Christian nation to force on a heathen nation an article which they were doing all in their power to keep out, because it spread among their people debauchery, demoralization, disease, and death. I cannot argue with those who pretend to maintain that the habitual use of opium as a stimulant is not injurious. The evidence on this point is so overwhelming that I must say I find it hard to believe in the sincerity of those who put forth that view. We have a perfect cloud of witnesses to prove that it is injurious to body, and mind, and morals; witnesses so numerous, and of such various classes and conditions, and many of them of such high character, that, if it should turn out their testimony was unfounded, it would prove the most extraordinary conspiracy ever formed to misrepresent the truth without any conceivable motive. We can adduce the testimony of such men—most of them high officials in India and China—as Sir Stamford Raffles, Sir George Staunton, Sir Charles Forbes, Sir John Davies, Captain Elliot, Colonel James Tod, Captain Shepherd, Chairman of the East India Company, Mr. Henry St. George Tucker, another Chairman of the East India Company, Mr. Montgomery Martin, Sir Arthur Cotton, Sir Thomas Wade, and many others. I will only cite a sentence or two from the last, our present Minister at Peking; and I do so especially, because it meets one of the favourite pleas

urged in defence or mitigation of this traffic. We are often told in this House and elsewhere, that though, no doubt, opium smoking is a great evil, it is not worse than the gin and whiskey drinking that prevails among ourselves. Well, it need not be worse, and yet be bad enough. But what a strange argument to be used by a Christian nation to say—"There is a habit among ourselves which, according to the concurrent testimony of Ministers of religion, magistrates, Judges, medical men, of all who are concerned in the administration of the law or who are caring for the health and morals of the people, is the most prolific source of disease, crime, and misery, and what we force on the Chinese is not much worse than that, and what right have they to complain?" But what does Sir Thomas Wade say on this very point?—

"It is to me vain to think otherwise of the use of the drug in China than as of a habit many times more pernicious, nationally speaking, than the gin and whiskey drinking we deplore at home. I know of no case of radical cure. It has ensured, in every case within my knowledge, the steady descent, moral and physical, of the smoker."

Then there is another kind of evidence of quite exceptional value on such a subject—that of a large number of medical gentlemen, who have been engaged professionally in China, some in hospitals, and some in private practice; and who have themselves witnessed and treated the ravages produced by opium smoking—such as Dr. Parker, Dr. Allen, Dr. Lockhart, Dr. Hobson, Dr. Dempster, Dr. Little, Dr. Bell, Dr. De la Porte, Mr. Jeffereys, Mr. Loch, and others. The last is Dr. Dudgeon, who has lived for 12 years at Pekin as a medical practitioner, and has been appointed to the Chair of Anatomy and Physiology in the Pekin College. He is now in this country; and his testimony is most explicit and emphatic, to the dreadful and disastrous effects of indulgence in opium. Then we have the Missionaries of all denominations, who, with one voice, declare that the effects of opium on the people is deplorable; and that our complicity in the traffic is the most formidable obstacle in their way in promulgating Christianity among the Chinese. I hold in my hand a Petition just sent to me by the Directors of one of the most respectable and

powerful of our Missionary Societies—the London Missionary Society—in which this, and other points in reference to the opium question, are put with great force. Now another question arises—Are the Chinese sincere in their opposition to the trade in this article? We are frequently told in this House and elsewhere that all their edicts, and protests, and remonstrances on this point are sheer hypocrisy; but certainly there is no very obvious reason why we should suspect them of playing a part in their endeavours to prevent their people being poisoned by opium. Let me call the attention of the House to one very remarkable piece of evidence on this point. It is known that in the Treaty of Tientsin there was a provision which entitled either of the signatory parties to propose a revision of the Treaty at the end of every 10 years. Well, in 1868, an attempt was made by Sir Rutherford Alcock to procure a revision. Negotiations then took place between him and the Foreign Board, which he describes as, "in fact, the Imperial Government in its most influential shape." Among other things that came up for discussion was the opium question. On that subject a note was transmitted to Sir Rutherford Alcock from the Board by Prince Kung. It may be regarded, in fact, as a powerful and pathetic appeal from the Chinese to the conscience and kindly feeling of the British nation. As such I think it ought to be laid before the British Parliament, and I hope I shall be permitted, notwithstanding its considerable length, to read it to the House—

"From Tsungli Yamen to Sir Rutherford Alcock, July, 1869. The writers have, on several occasions, when conversing with His Excellency the British Minister, referred to the opium trade as being prejudicial to the general interests of commerce. The object of the Treaties between our respective countries was to secure perpetual peace; but if effective steps cannot be taken to remove an accumulating sense of injury from the minds of men, it is to be feared that no policy can obviate sources of future trouble.

"Day and night the writers are considering the question with a view to its solution, and the more they reflect upon it the greater does their anxiety become; and hereon they cannot avoid addressing His Excellency very earnestly on the subject.

"That opium is like a deadly poison, that it is most injurious to mankind, and a most serious provocative of ill-feeling, is, the writers think, perfectly well known to His Excellency, and it is therefore needless for them to enlarge further

on these points. The Prince [the Prince of Kung is the President of the Board] and his Colleagues are quite aware that the opium trade has long been condemned by England as a nation, and that the right-minded merchant scorns to have to do with it. But the officials and people of this Empire, who cannot be so completely informed on the subject, all say that England trades in opium because she desires to work China's ruin, for (say they) if the friendly feelings of England are genuine, since it is open to her to produce and trade in everything else, would she still insist on spreading the poison of this hurtful thing through the Empire? There are those who say, Stop the trade by enforcing a vigorous prohibition against the use of the drug. China has the right to do so, doubtless, and might be able to effect it; but a strict enforcement of the prohibition would necessitate the taking of many lives. Now although the criminals' punishment would be of their own seeking, bystanders would not fail to say that it was the foreign merchants who seduced them to their ruin by bringing the drug, and it would be hard to prevent general and deep-seated indignation; such a course, indeed, would tend to arouse popular anger against the foreigner. There are others, again, who suggest the removal of the prohibitions against the growth of poppy. They argue that as there is no means of stopping the foreign (opium) trade there can be no harm, as a temporary measure, in withdrawing the prohibition on its growth. We should thus not only deprive the foreign merchant of the main source of his profits, but should increase our revenue to boot. The sovereign rights of China are indeed competent to this. Such a course would be practicable, and indeed the writers cannot say that as a last resource it will not come to this; but they are most unwilling that such prohibition should be removed, holding as they do that a right system of government should appreciate the beneficence of Heaven, and (seek to) remove any grievance which afflicts its people, while to allow them to go on to destruction, though an increase of revenue may result, will provoke the judgment of Heaven and the condemnation of men. Neither of the above plans, indeed, is satisfactory. If it be desired to remove the very root, and to stop the evil at its source, nothing will be effective but a prohibition to be enforced alike by both parties. Again, the Chinese merchant supplies your country with his goodly tea and silk, conferring thereby a benefit upon her, but the English merchant empisons China with pestilent opium. Such conduct is unrighteous. Who can justify it? What wonder if officials and people say that England is wilfully working out China's ruin, and has no real friendly feeling for her? The wealth and generosity of England is spoken of by all. She is anxious to prevent and anticipate all injury to her commercial interest. How is it, then, she can hesitate to remove an acknowledged evil? Indeed, it cannot be that England still holds to this evil business, earning the hatred of the officials and people of China, and making herself a reproach among the nations, because she would lose a little revenue were she to forfeit the cultivation of the poppy! The writers hope that His Excellency will memorialize his Government to give orders in India, and elsewhere, to substi-

tute the cultivation of cereals or cotton. Were both nations to rigorously prohibit the growth of the poppy, both the traffic in and the consumption of opium might alike be put an end to. To do away with so great an evil would be a great virtue on England's part; she would strengthen friendly relations, and make herself illustrious. How delightful to have so great an act transmitted to after ages! This matter is injurious to commercial interests in no ordinary degree. If His Excellency the British Minister cannot, before it is too late, arrange a plan for a joint prohibition (of the traffic), then no matter with what devotedness the writers may plead, they may be unable to cause the people to put aside all ill-feeling and so strengthen friendly relations as to place them for ever beyond fear of disturbance. Day and night, therefore, the writers give to this matter most earnest thought, and overpowering is the distress which it occasions them. Having thus presumed to unbecome themselves, they would be honoured by His Excellency's reply."

I do not think I ever read a document in which the accents of sincerity are more apparent than they are in this. It is no wonder that Sir Rutherford Alcock, after receiving it, should have recorded his own opinion in the following strong language:—

"He had no doubt that the abhorrence expressed by the Government and people of China for opium, as destructive to the Chinese nation, was genuine and deep-seated, and that he was also quite convinced that the Chinese Government could, if it pleased, carry out its threat of developing cultivation to any extent. On the other hand, he believed that so strong was the popular feeling on the subject, that if Britain would give up the opium revenue and suppress the cultivation in India, the Chinese Government would have no difficulty in suppressing it in China, except in the province of Yunnan, where its authority is in abeyance."

But, before passing from this point—the proposed revision of the Treaty of Tientsin—I have to call attention to facts of great significance, especially as illustrating the statement I have already made, how our policy in China is virtually surrendered into the hands of the mercantile classes. Sir Rutherford Alcock, of all our officials in China, was the statesman who had the most intimate acquaintance with, and the longest experience of, Chinese affairs. With infinite pains, and after negotiations prolonged for many months, he concluded a supplementary Treaty, which was signed in October, 1869, by himself and the Chinese plenipotentiaries. In that Treaty he had procured concessions of the most important nature from the Chinese Government, which would confer

very large advantages upon British commerce; but in return for these concessions he had yielded to the Chinese these three things—an increase in the export of silk duty amounting to 1 per cent *ad valorem*; an increase in the opium duty of 2½ per cent *ad valorem*; and the right to appoint Consuls at the British ports. The Treaty, of course, required ratification at home. It was entirely approved by the Government at home, first by Lord Clarendon and then by Lord Granville; but it was violently opposed by the China merchants and their backers in the Chambers of Commerce. And why? Mainly because of the small additional increase on the opium duty, which would have raised it to about 7 per cent altogether. Now, when we consider that we impose a duty on Chinese tea of 25 to 30 per cent, it does not seem a very unreasonable demand that we should allow the Chinese to put a duty of 7 per cent on opium; and yet the Government, acting against their own judgment, and discrediting their own most experienced representative in China, yielded to the clamour of those interested parties, and advised Her Majesty not to ratify the Convention. I now come to the unfortunate expedition to Yunnan, and the murder of Mr. Margary. No one deplores more than I do the death of Mr. Margary. He appears to have been a young man of rare promise—intelligent, enterprising, courageous, and likely to prove a great ornament to the Service to which he belonged. The one salient point, however, known to the people of this country in regard to that expedition was, that a gallant and high-spirited young Englishman had perished by unfair means in Burmah or China, or in the borderland between the two, and the cry was raised, "Let us have vengeance." If it be asked, "Against whom?" the answer seems to be—"Against anybody; against the Burmese, or Chinese, or somebody; English blood has been shed, and we must be avenged." I think, however, I can show that this accursed thing, opium, had something to do with this ill-fated expedition to Yunnan. I believe there is little doubt that one of the objects had in view in forcing open this trade route was to inundate the wealthy provinces of China in that direction with Bengal opium. How do I prove this? Why

thus. In 1862, Colonel Phayre, who was then Chief Commissioner of British Burmah, was instructed by Lord Elgin and his Council to procure a Commercial Treaty with the King of Burmah for re-opening "the caravan route from Asia, *via* Bamo, to the Chinese province of Yunnan." In a letter from the Indian Council to Sir Charles Wood (now Viscount Halifax), who was then Secretary of State for India, among the articles which Colonel Phayre was specially instructed to press on the Burmese Government for insertion in the Treaty, this was one—

"Opium to be allowed to pass from the British territories through Burmah into Yunnan, either duty free or on payment of a moderate transit duty."

Now, let it be observed that opium was the only article of merchandise specified by name in the instructions of the Indian Government, which sufficiently showed their anxiety at least to have it introduced through Burmah into China. Well, Colonel Phayre did his best to fulfil his instructions; but there arose difficulties, and most curious and significant are the words he uses on this subject in his despatch to the Indian Government—

"There is one subject which still requires to be mentioned. It is as regards opium. I had proposed that a separate Article should provide for its being conveyed through the country, either Burmese or British, for sale in countries beyond. The King has an objection on religious grounds to allow his subjects to consume opium, and was averse to admitting, by a special Article, that the drug might be conveyed through his country, but said he would not object to its coming in, like other goods, under Article IV."

It is surely a humiliating contrast to find that while this heathen Monarch had an objection on religious grounds to allow his subjects to consume opium, and did not like even to have it carried through his country, the representatives of a Christian nation, so far from having any religious scruples, were actually trying to seduce the King of Burmah into complicity with their design of thrusting opium through, still another avenue, upon China. But there was a previous expedition to Yunnan, and it is necessary to know something of that as tending, perhaps, to throw some light on the failure of the second expedition. Seven years before, Major Sladen had taken the same route, and with the same object.

At that time Yunnan was in possession of the Mohammedan or Panthay rebels, who were in arms against the Chinese Government. Talifao, where it was proposed to establish our Consul, was their capital. In the Treaty of Tientsin, there were clauses which forbade our even approaching places held by rebels. But what will the House say when I inform them that Major Sladen, acting under the orders of the Indian Government, formed intimate relations with the Panthay rebels; that the Indian Government through him recognized the rebel chief, entered into friendly negotiations and commercial arrangements with him, and kept up the intercourse until the suppression of the rebellion by the Chinese Government four years later? Li-sieh-tai, who has been accused of complicity in Mr. Margary's murder, was then an officer in the Chinese Army. But Major Sladen actually instigated the rebel chief of Manwein to attack Li-sieh-tai in his stronghold at Manphos, from which he barely escaped with life and the loss of 300 men. We are always talking of the treachery of the Chinese; but what shall we say to this monstrous story of an officer representing the British Government entering into close alliance with rebels against the Chinese authority, at the very time when we were professedly not only at peace, but in friendly relations with the Chinese Government? I cannot enter fully upon the history of this last unwise and ill-fated expedition to Yunnan. It seems to me, after reading the Papers, to have been a perfect muddle throughout. What with the interchange of cross telegrams and despatches between the Chief Commissioner of British Burmah, our Ambassador at Peking, the Indian Council, the India Office at home, and the Foreign Office, it is impossible to find out where the responsibility rests. Lord Northbrook and the Indian Council—after the catastrophe had happened, indeed—declare that—

"The Government of India have never been disposed to entertain sanguine expectations of the advantages to be derived from the schemes which from time to time have been proposed for the exploration of the routes from Burmah to the Western Provinces of China,"

and that this expedition

"was undertaken in furtherance of the wishes of Her Majesty's Government."

*Mr. Richard*

On the other hand, Lord Derby says the expedition was suggested by the Indian Government, and with his usual perspicacity and sound judgment points out in reference to one part of the project, of establishing a Consul at Talifao, that—

"Her Majesty's Government cannot claim a right to appoint Consuls at any places in China except the Treaty ports, and that there are grave difficulties in the way of any project for establishing British communities in the far interior of China, where British protection could not be extended to them in case of danger, which in the present state of the Chinese Empire is constantly threatening foreigners, and which the Government of Peking, even if well-disposed to do, can only imperfectly guard against."

For myself, I believe we have been on the wrong tack in our conduct towards China from the beginning. We have tried a high-handed and masterful policy for many years, and with what results? Always with ill results, in every possible respect. At every succeeding war it was loudly proclaimed that it would open up all China to British trade, but events have shown this to be a delusion. Our export trade with China had always been, and was now, in an utterly unsatisfactory condition. The late Mr. Cobden used to say that he had not the smallest doubt that if we were to compute the profits that we have received from our export trade to China for the last 40 years, and set against it all that it has cost us in wars occasioned by that trade, and in the Naval and Military and Consular Services thought necessary to protect and promote it, that the nation could be shown to be largely a loser by the transaction. But this is to be observed, that the profit goes into the pockets of a small body of China merchants, and the cost comes out of the pockets of the British people, though, as if by the operation of some strange Nemesis, even the former have of late years fared miserably ill. My contention is, that we have tried to extend our commerce in China by means that cannot be justified, and that we have failed utterly and ignominiously in attaining our object. I believe there is far more to hope as respects our commercial interests from another policy, a policy of conciliation and peace, instead of that of dictation and meddling. This is the opinion of Sir Rutherford Alcock. He says—

"If only means can be found of keeping from them all foreign meddling and attempts at dictation, there is yet ground of hope. But these rouse strong instincts of resistance and national pride, giving fresh force to the retrograde and anti-foreign party; while at the same time it paralyzes all hopeful effort in those more favourable to progress from the fear of its being made a new pretext for action on the part of foreign Powers. No nations like the interference of a foreign Power in its internal affairs, however well-intentioned it may be, and China is no exception to the rule. I am thoroughly convinced they would go much better and faster if left alone."

"The Chinese will have nothing to do with foreigners as the *protégés* of their respective Governments; and they are right. To keep as clear as possible of all foreign Governments is a very natural desire on the part of those who have, thrice in a single generation, had objectionable Treaties imposed upon them at the point of the bayonet. . . . Railways, telegraphs, steam machinery, scientific directions for the working of mines, the acquisition of foreign languages—all these may, within a very few years, be in full play throughout the country; . . . 'but on one condition—that they are left alone,' free alike from dictation or control as to the selection of their agents, and the time and condition of their employment, and that they are free from all restraint or galling interference on the part of foreign Governments or their agents, diplomatic or Consular. Hitherto a different condition has undoubtedly existed."

Sir, the time is coming for another revision of the Treaty of Tientsin. I wish that we should take advantage of the opportunity that will be thus afforded to review our entire Chinese policy in a large and generous spirit. I hope especially we shall have the courage to confront the great evil of the opium trade, which, in my opinion, more than any other cause—more than all causes put together—is the source of that chronic difficulty with which we have to contend in our intercourse with the people and Government of China, which, moreover, renders it almost impossible for our Missionaries to make any progress in the spread of Christianity, and which is dishonouring the British name before the face of all the nations of the world. I do not know how other hon. Members may feel; but I own I am oppressed with a sense of the accumulating responsibility we are incurring by the course we are pursuing in China. I am not ashamed to say that I am one of those who believe that there is a God who ruleth in the kingdom of men, and that it is not safe for a community, any more than an individual, recklessly and

habitually to affront those great principles of truth, and justice, and humanity on which I believe He governs the world. And we may be quite sure of this—that in spite of our pride of place and power, in spite of our vast possessions and enormous resources, in spite of our boasted forces by land and sea, if we come into conflict with "that" Power we shall be crushed like an eggshell against the granite rock. It is because I do not wish to see my country enter into that terrible and unequal conflict, that I entreat the House to re-consider our Chinese policy, and to accept my Motion, calling upon the Government, when the Treaty of Tientsin comes to be revised, to approach the task in a just and generous spirit, so as to place our intercourse with these teeming millions of the human race on a footing of justice, friendliness, and humanity. The hon. Gentleman concluded by moving his Resolution.

Mr. MARK STEWART seconded the Motion, and called attention to the Burmah Commercial Treaty of 1862, under which it appeared to him that its main aim was to facilitate the transit of opium from Burmah into China, while on the other hand all opium coming from China was prohibited. He maintained that we were not doing our duty to China nor fulfilling our mission to that great country as the pioneers of civilization. The course we had hitherto pursued was not satisfactory, nor was it likely to raise us in the estimation of the Orientals. Our relationship with China had not been based upon justice, and there ought to be a revision of policy. With respect to the Mission of Colonel Browne in 1874-5, its object, which was practically recognized by Lord Salisbury, was to open up commercial intercourse between Western China and British Burmah, and the establishment of a Consul for that purpose. But there was no reason for anticipating any voluntary concessions from the Chinese, for it was known that great hostility was manifested by the provincial governor. Was that Mission ill-advised or ill-timed? He thought it could hardly be said to be well-advised. Lord Derby, with that foresight which so distinguished him, had apparently endeavoured to throw cold water on the whole affair. In a despatch which he sent from the Foreign Office in 1874

he said Her Majesty's Government could not claim to appoint Consuls in China except at the Treaty Ports. The Treaty of Tientsin, to which so many prohibitions were attached, ought to be thoroughly revised, with the view of our obtaining trade facilities which we had not at present, and placing the opium traffic on a more equitable footing according to Chinese ideas. He was anxious to impress upon Her Majesty's Government the necessity of using all their efforts by degrees, not only to prevent the extension of the opium trade, but to put a stop to it altogether. It was satisfactory to find that in the recent Treaties with China it had been studiously declared that no opium should be permitted to be imported into that country. Now that we had a Minister who was capable of dealing with this difficult and complex subject, no time should be lost in devising means to convince the Chinese that we were anxious to adopt a course of action that was just, sound, and true.

Motion made, and Question proposed,

"That, having regard to the unsatisfactory nature of our relations with China, and to the desirability of placing those relations on a permanently satisfactory footing, this House is of opinion that the existing Treaty between the two Countries should be so revised as to promote the interests of legitimate Commerce, and to secure the just rights of the Chinese Government and People."—(*Mr. Richard.*)

SIR GEORGE CAMPBELL observed, that the great difficulty of dealing with this subject was not to acknowledge the evil, but to devise some remedy for it. The suggestion that the late expedition across the Burmese frontier to China was intended to force our opium into China was entirely without foundation. At the time when it was undertaken he was one of the advisers of the Secretary of State for India, and could, therefore, speak with authority on this point. So far from the Government of India prompting the expedition, they acquiesced in it with great hesitation. Lord Lawrence, while Viceroy, negatived a similar proposal, but the expedition was at last undertaken after full consideration of the altered circumstances of the case. It was one of exploration simply, and he denied that there was any attempt in consequence of that expedition either to establish Consulates or to do anything contrary to the terms of the Treaties then existing. He thought his hon.

Friend the Member for Merthyr Tydvil (*Mr. Richard*) had done good service in directing attention to the fact that in dealing with China and the Chinese Englishmen had not always acted in a spirit of fairness and justice. We applied the standard of Western ideas to all our claims against them, but failed in reciprocity. Having now forced our intercourse upon the Chinese it was necessary to make it fair and just. One detestable feature of the system which we had adopted in our relations with weak countries was the practice of pressing private demands for compensation of an excessive amount in respect of injuries alleged to have been suffered by British subjects. Many of these claims would not be listened to in a British Court of Justice. He found from the Blue Book that when news was first received of the murder of Mr. Margary the first thing done by Sir Thomas Wade, himself a good specimen of an Oriental diplomatist, was to make what he must call a monstrous demand for compensation, being merely as the preliminary to inquiry. Not only was this proceeding unjust, but it was undignified, placing as it did private interests before the claims of public justice. He was glad to find that Her Majesty's Government did not entirely support that demand. The argument used by the Chinese Ministers when an appeal was made to them on this subject was that they would investigate the matter according to their own rules and laws and in their own Courts of Justice, which was all the satisfaction we gave them when they had a complaint against us. It seemed to require some explanation that, when all the demands made in March had been conceded on the 1st of April, we had not availed ourselves of those concessions, and that the whole question should have to be reopened with very much increased demands on our part. He hoped the Under Secretary for Foreign Affairs would give some explanation as to the great delay which occurred in the despatch of the Mission. He thought our Government should not make exorbitant demands simply because they could back them with our ships and guns. In conclusion, he had only to say that the efforts of the Government ought to be directed to the object of impressing upon the Chinese Government that in all cases in which we had reason to com-

*Mr. Mark Stewart*

plain full justice would be required to be done, giving to them at the same time the assurance that when they had demands against us or complaints to be made of injustice full redress would be afforded to them.

GENERAL SIR GEORGE BALFOUR wished to say a few words on this subject, on the ground that having served in India and China the Motion deeply affected the interests of those two great countries. His hon. Friend the Member for Merthyr (Mr. Richard) knew that he sympathized with the object he had in view. He (Sir George Balfour) was no defender of the trade in opium, and it was quite open for parties to plead for its discontinuance without asserting that it had led to wars between England and China, for he must say that it was not, as alleged by some hon. Members, the traffic in opium that caused the war to break out between Great Britain and China, but it was quite as well grounded to say that the first war was the act of English traders to force Manchester goods on China. In their efforts to break down the monopoly which the East India Company had carried on for 200 years in trading with the Chinese, the English Government destroyed a system of management created by the India Company which had for that long period preserved the peace between the two nations; and within the first six years of the direct rule of the affairs in China under the Foreign Office there was a succession of disputes, terminating in the first war of 1840. He (Sir George Balfour) did not mean to maintain that the monopoly of the East India Company was at all defensible; on the contrary, he must say that, in the interests of India, if not of China, he was glad that that monopoly had been broken down; but the British merchants, who succeeded to the India Company's trade with China, in their efforts to open the Chinese markets for Manchester and other goods, had certainly committed great wrong, and been guilty of great injustice and great excesses against Chinese feelings of exclusiveness. This was England's doing, and India ought not to be made responsible for England's mismanagement. The result was that for two centuries there was quiet in our trade with China, and for 40 years since the transfer there had been disturbance.

Since 1839 we had been in constant hot water with the Chinese, and the consequence had been that, since that time, there had been two great wars carried on between this country and China, and year after year a constant anxiety about war breaking out. Having served in the first war in China, and having seen the desolation and great loss of life thereby caused, he was happy to be able to assure the House that he fully agreed with the hon. Member for Merthyr in the hope that we might never again go to war with that country.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

GENERAL SIR GEORGE BALFOUR proceeded to say that it was necessary to clear away a great delusion that prevailed as to the repugnance of the Chinese Government to the opium trade. He believed that the Government of China detested the presence of the Roman Catholic Missionaries, who spread themselves over the whole of China, and excited the fears and alarms of the Government; our Protestant Missionaries were also disliked. He could add that the greatest anxiety he felt when Consul at Shanghai was when that able man the Rev. Mr. Medhurst, of the London Missionary Society, visited the green tea country. The greatest efforts were made by the Chinese Government to have him seized, and it was his (Sir George Balfour's) duty to insist in stern language that in apprehending Mr. Medhurst the utmost degree of respect and good treatment should be shown. This was a far more troublesome task to perform than he had ever had with regard to opium. But it was not true that the Chinese Government were unwilling to admit opium. Immediately after the Treaty of Nankin—that was, in 1843—the opium question was discussed. It was at Canton that most of the negotiations took place with respect to the tariff, and it was distinctly stated by the two Chinese Ministers to Sir Henry Pottinger that they were willing to admit Indian opium if a proportionate sum of money was paid for its admission. Subsequently, when Consul at Shanghai, as stated in a former debate on the opium traffic, he (Sir George Balfour) did all in his



—one quoting the opinion of one of our Consuls in China to show that the use of opium was not so hurtful as he had at first supposed, and that further observation convinced him that it afforded a solace and a stimulus to persons who did the hardest and rudest work without injuring their health: and others to the effect that the cultivation of the poppy in various parts of China was gradually extending, while the action of the authorities, local and Imperial, in reference to it was very uncertain: in some cases its cultivation was treated as an illicit, and in others as a recognized trade, the native revenue officers exacting bribes from those who carried it on—proceeded—therefore, notwithstanding all attempts to discourage the growth of the drug, the Chinese were so much addicted to its use that there was now no prospect of its not being grown even to a greater extent than it had heretofore been. Nothing could be farther from the truth than the allegation that an attempt had been made to force opium upon China through Burmah. Some observations had been made with regard to the delay in making inquiries as to the murder of Mr. Margary. The reason why a mission with regard to the murder of Mr. Margary did not take place immediately was the impossibility of obtaining from the Chinese Government those guarantees which Sir Thomas Wade thought were absolutely necessary. But those guarantees were finally obtained. If a route from Burmah to Western China could really be opened up by means of negotiation, then the object of Mr. Margary's mission would be secured, and far greater results would be gained for this country than could have been conceived. It had been said that the English Government was liable to make exorbitant claims on behalf of private individuals. He knew of no such cases since he had been at the Foreign Office; but, at the same time, if the lives and property of British subjects in China were to be protected, they must hold the Chinese Government responsible for any injury or maltreatment which they received. The hon. Member opposite had raised objections to the extraterritoriality of English settlements in China; but although it was not a system that we should like to see established in this country, it was absolutely necessary in conducting our commercial intercourse with nations like

China, because without it no English merchant could carry on his business there for a single day. Her Majesty's Government agreed with the hon. Baronet the Member for Chelsea (Sir Charles Dilke) that the time had come for a revision of our Treaties with China, and, indeed, negotiations having that object in view had been going on between the two Governments for some years. A Convention, in fact, had been agreed upon with the Chinese authorities for that purpose, but it having been submitted to the Chambers of Commerce in this country, and having been disapproved by them, the late Government had been compelled to inform the Chinese Government that it could not be ratified by us. That showed how careful the late Government was of commercial interests. In conducting our negotiations for a revised Treaty with China, we were bound to remember the peculiar position of the Government of that country, and should endeavour to adopt a line of conciliation, and to bring the interests of our merchants as much as possible into harmony with those of the Chinese people; and looking at the present political position of China, we must avoid all acts that would derogate from the authority of the supreme power, and thus prevent what at one time was imminent—the complete social disorganization of that country. It was, however, at the same time, necessary to be very firm in our dealings with the Chinese authorities, because a large body of the people were anxious to have nothing to say to us, and he was sorry to say that our experience of the Chinese was that they would take every opportunity they could to avoid carrying out the terms of their Treaties with us. There was nothing to be gained by denying that fact, and therefore it was necessary to show that Her Majesty's Government was prepared to insist upon the observance of Treaties which had been entered into. They had done all that was possible in the way of negotiation; but, as the hon. Member for Merthyr Tydvil had remarked, it was necessary to consider the opinions of other Powers in reference to a question of this kind. Having consulted the Governments of France, Germany, and the United States, Her Majesty's Government was waiting to know what was likely to be done by the Powers in reference to it.

s before deciding upon any def-  
 urse as far as the action of this  
 was concerned. If it were  
 ry to act we should not do so  
 ; the co-operation of one or two,  
 rhaps three, other Powers. He  
 the hon. Member would not press  
 tion to a division. The Govern-  
 as anxious, as regarded opium, to  
 hat it could; and, as to a revision  
 Treaties, he did not think there  
 ach difference between the Gov-  
 nt and the hon. Member, who,  
 ed, would be satisfied with the  
 e discussion which had been con-  
 with so much ability on both  
 the House.

JOHN KENNAWAY held that  
 ntry had no right to make use of  
 ngth to force opium upon an  
 ng people like the Chinese. He  
 n the appeal to the hon. Member  
 thyr Tydvil not to take a division  
 Motion. It was clear from the  
 nt of the hon. Gentleman who  
 t spoken that Her Majesty's Gov-  
 nt was not only inclined to deal  
 e question, but had actually taken  
 nd.

RITCHIE said, the House had  
 eat many hours, and had to meet  
 t noon that day. It was time for  
 t half-past 12 o'clock, to go home,  
 therefore moved the Adjourn-  
 the House.

on made, and Question proposed,  
 this House do now adjourn."—  
*(Itchie.)*

AN NOLAN gave Notice that if  
 vernment should support the  
 for Adjournment he should divide  
 use against every Morning Sitting  
 the remainder of the Session.

CHANCELLOR OF THE EXCHE-  
 appealed to the hon. Member for  
 wer Hamlets not to press the  
 because, undoubtedly, when a  
 ; Sitting was taken there was an  
 understanding that the Govern-  
 ould endeavour to secure for hon.  
 s a fair opportunity of discussing  
 in which they were interested.

a, by leave, *withdrawn*.

tion, by leave, *withdrawn*.

## CONSTABULARY PENSIONERS (IRELAND).

### MOTION FOR A SELECT COMMITTEE.

MR. MELDON rose to call attention  
 to the claims of the Royal Irish Consta-  
 bulary Pensioners who retired from the  
 "Force" previous to the month of  
 August 1874, with respect to the re-  
 adjustment of their "Pensions;" and  
 to move for a Select Committee to  
 inquire into the justice of the claims of  
 the Royal Irish Constabulary Pensioners  
 who retired before the month of August  
 1874, and to report thereon. The case  
 of the Constabulary pensioners was a  
 very hard one, and called for equitable  
 redress. At the time the Royal Irish  
 Constabulary were established, in 1847,  
 they were to have two-thirds of  
 their pay settled on them as pensions  
 after 15 years' service, and after 20  
 years' service they were entitled to retire  
 on the whole of their pay. When the  
 Act of 1866 was passed they were to  
 receive an increase of pay; but they had  
 reason to complain that injustice was  
 done to them. Up to 1866 the Con-  
 stabulary out of their own pay contri-  
 buted to a fund to provide pensions for  
 themselves. That fund, he was informed,  
 was amply sufficient for the purpose, so  
 that if the pensions were given, they  
 would not be paid by the public, but out  
 of their own savings; but from 1866 to  
 1874 this justice had been refused to  
 them. He thought these other facts  
 would induce the Government either to  
 make an inquiry into the matter, or to  
 give him a Select Committee on the  
 subject.

MR. R. SMYTH seconded the Motion.  
 He mentioned as a type of many cases  
 that one man received £36 of a pension,  
 while another man of the same rank and  
 service received £76. The system of  
 pensions accorded to the Irish Constabu-  
 lary was nothing better than a kind of  
 "blindman's buff," because a man who  
 retired on the 31st July, 1874, did not  
 know what was taking place, or the  
 serious disadvantage at which he was  
 placing himself by retiring 24 hours too  
 soon, and the man who took an increased  
 pension the next day also did not un-  
 derstand it. The Government having  
 determined on a change, it ought to be  
 carried out on equitable principles; and  
 those who had faithfully discharged their  
 duties for a long series of years ought

not to be sent back to their native districts with a sense of wrong rankling in their breasts.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the justice of the claims of the Royal Irish Constabulary Pensioners who retired before the month of August 1874, and to report thereon."—(*Mr. Meldon.*)

MR. MACARTNEY supported the Motion, and said that the case of the Constabulary, as laid before the House by his hon. Friend, was quite in accord with the feeling of the people of Ireland.

SIR MICHAEL HICKS-BEACH denied that the members of the Constabulary who had retired before the passing of the Act of 1874 had been unfairly treated, for the pensions granted to them had been calculated in strict accordance with the provisions of the law.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

SIR MICHAEL HICKS-BEACH resumed, by saying that although differing in opinion upon this subject from hon. Members who had addressed the House, he regretted the interruption which had taken place. All he wished to add to that which he had already said was, that the men received the exact amount of pension which they were expecting to receive, and which was the amount calculated upon the provisions of the then existing law, and no complaint of unfair treatment had ever been made on their behalf until the rate of pensions was largely increased under the Act of 1874. The hon. and learned Gentleman the Member for Kildare seemed to think that the Government would refuse a Select Committee, because it was certain to report against them. He had no such dread; but looking at all the circumstances of the case he could not grant the inquiry asked for, as it would only have the effect of raising hopes which would never be realized.

MR. O'REILLY suggested that, as the matter was a difficult and complex one, it might be referred to an independent party.

THE CHANCELLOR OF THE EXCHEQUER said, there was no disposition to act unhandsomely by the Constabulary

pensioners. He had previously gone carefully into the question with the Chief Secretary; but if they would leave the matter in the hands of the Government they were quite prepared to look again carefully into the matter, and take the opinion of the English Law Officers of the Crown in respect to it. They did not think it desirable to appoint a Committee, which must cause excitement injurious to the Service.

MR. CHARLES LEWIS thought they ought not, after the concession just mentioned, to fly in the face of the Government. The House was prepared, if necessary, to fight out the matter on behalf of the Motion.

MR. PARNELL wished to explain that, in giving his vote for the Motion, he was not voting for pensions for a semi-military Force. He hoped the time would come when good and true Irishmen, as these men were, would not be employed by the Government in hunting down their countrymen.

MR. MELDON said, he felt that, under the circumstances, he would not be acting in the interests of the Irish Constabulary if he proceeded with the Motion, which he begged to withdraw—"No, no!"—and thus leave the matter in the hands of the Government.

Question put.

The House divided:—Ayes 3; Noes 75: Majority 72.

#### COMPANIES ACTS (1862 AND 1867) AMENDMENT BILL.

On Motion of Mr. CHADWICK, Bill to amend the Companies Acts 1862 and 1867, ordered to be brought in by Mr. CHADWICK, SIR HENRY JACKSON, MR. SAMPRON LLOYD, MR. RYLANDS, MR. HOPWOOD, and MR. BENJAMIN WHITWORTH.

Bill presented, and read the first time. [Bill 211.]

House adjourned at a quarter before Two o'clock.

#### HOUSE OF COMMONS,

*Wednesday, 28th June, 1876.*

MINUTES.] — SELECT COMMITTEE — Parliamentary Agents, appointed and nominated.  
PUBLIC BILLS — Ordered — First Reading — Sea and River Banks (Lincolnshire) \* [213], and referred to the Examiners; County of Peebles Justiciary District (Scotland) \* [212].

*Mr. R. Smyth*

*Second Reading*—Real Estate Intestacy [31],  
*put off*; Convicted Children \* [192].

*Considered as amended*—Crab and Lobster  
Fisheries (Norfolk) \* [109].

*Third Reading*—Poor Law Amendment \* [190];  
Friendly Societies Act (1875) Amendment \*  
[177], and *passed*.

*Withdrawn*—Waste Lands (Ireland) Reclama-  
tion \* [12].

#### PARLIAMENTARY AGENTS.

Lords Message [23rd June] (*by Order*)  
*considered*.

MR. RAIKES, in moving—

“That a Select Committee of five Members be appointed to join with the Committee of five Lords (as mentioned in the Message from the Lords of the 23rd day of this instant June) to consider the expediency of making further regulations concerning the admission and practice of Parliamentary Agents, and to report their opinion thereon,”

said that, as it at present stood, any man might, on the recommendation of a Member of Parliament or a justice of the peace, become a Parliamentary Agent. Such a system afforded no guarantee and no means of judging of a man's fitness to undertake the conduct of Parliamentary Business. Owing to some recent circumstances, the matter had been brought to the notice of the noble Lord the Chairman of Committees of the other House of Parliament, who had thought it desirable that some joint action should be taken by the two Houses, in order to protect the public interest in this matter—the public being at present liable to suffer not only from the inexperience and incapacity, but also from extortion on the part of persons calling themselves Parliamentary Agents. Personally, he (Mr. Raikes) would testify to the great assistance which he had received from Parliamentary Agents ever since he had held the office of Chairman of the Committees of Ways and Means. They were gentlemen of the highest probity and capability, and no doubt hon. Members had observed the able manner in which they conducted their business. He would not suggest the course which this Committee, if appointed, should pursue, but simply state that no harm could be done by joining the Lords' Committee. He would add that if the House of Lords should make further regulations, great inconvenience might arise if the House of Commons did not make the same. He might point out that instances of unpro-

fessional conduct on the part of certain Parliamentary Agents had recently come to light, such as dividing their fees with the solicitors. This necessarily tended to increase the expense of Parliamentary proceedings, and was in every respect a great abuse, and it would be well if some steps could be taken to put an end to the practice. The hon. Member concluded by moving the appointment of the Select Committee.

MR. DODDS thought that sufficient reasons for the appointment of this Committee had been given, and therefore he had no objection to offer to the Motion. After the Joint Committee had considered the matter the new regulations, if any were agreed upon, would be brought before the House and then there would be an opportunity of discussing them.

*Motion agreed to.*

Select Committee *appointed*; to consist of Mr. DODSON, Mr. BASIL WOODD, Mr. O'REILLY, Mr. BATHURST, and Mr. RAIKES:—Power to send for persons, papers, and records; Three to be the Quorum.

#### REAL ESTATE INTESTACY BILL.

(Mr. Potter, Mr. Leatham, Sir Wilfrid Lawson,  
Mr. Hopwood, Mr. William Edwin Price.)

[BILL 31.] SECOND READING.

Order for Second Reading read.

MR. POTTER, in rising to move that the Bill be now read a second time, said: The Bill which I ask the House to read a second time to-day has for its object the assimilation of the law affecting real property with that on personal property in cases of intestacy. It aims to remove from the Statute Book a law which, in my opinion, gives an unwise and unjust preference to an eldest son over the rest of the family in cases of death without a will, for which law there is no State necessity, as in feudal times, and which is not adapted to the circumstances of the day. The subject has been frequently before the House, and a Bill was brought forward as early as 1836 by the late Mr. William Ewart, then Member for Liverpool. It was again brought forward in 1837 by the same hon. Gentleman, but in both cases it met with no success. Mr. Locke King brought forward the question in 1850, and in several suc-

cessive Parliaments the question was identified with his name, until in July, 1869, he obtained a majority of 25, and carried the second reading by 169 Ayes to 144 Noes. In 1870 it was understood that the question was left in the hands of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone); but, as no measure was introduced, Mr. Locke King again prepared a Bill in 1873, which did not reach a second reading. I am not going to enter upon the legal technicalities of the question, as I believe they will be dealt with by hon. Gentlemen who will follow me. Nor do I intend to dwell on the numerous instances of injustice and hardship to widows and younger sons and others, which occur in the working of the present law, and which, I think, cannot be denied. I believe the law as it stands at present is an anomaly, and not suited to the necessities of the present day. I believe it ought to have been abolished 200 years ago, when the feudal obligations on which it was based were done away with. The feudal system, which was quite contrary to the spirit of the old English laws in Saxon times, was fully established in England in the 13th century. The necessity of Monarchs in those days required the concentration of power and of land (which was the main source of power) in the hands of very few individuals; and consequently the law directed the inheritance of land to the eldest son, to the exclusion of the younger branches of the family, though not to so complete an exclusion as the present intestacy laws provide for. I venture to impugn the intestacy laws as the key-stone of the custom of primogeniture. I am aware that there is no law of primogeniture, but in cases of intestacy the law sanctions the custom, and, in fact, gives the custom the force of law. In the 13th century military service was frequently the sole condition on which land was held. I hold in my hand a title deed or grant of the 13th century, which belongs to a friend of mine who still occupies the land granted to his ancestor 600 years ago. Homage and service are the sole conditions except the payment every year of the clove of gilliflower at Easter. There was, however, a singular condition entered into on the part of the grantor, which was that in return for the homage, military service, and the payment of the clove of

gilliflower each Easter, he bound himself and his heirs to defend against all men, Jews and Christians, the grantee and his heirs for ever. In 1662, at the Restoration of Charles II., the military obligations of landowners were abolished, and a grant was made to the King of a tax on the beer of the people to the extent of 1s. a barrel in place of them. The landowners relieved themselves of the burden of military service, on which their tenure had been based, but accepted no new burden themselves. It was at that time that, as it appears to me, the laws of intestacy should have been abolished. There was no longer the necessity of concentrating power in a few hands for military objects, as armies were no longer provided by the landowners. Since that time the effect of the maintenance of these laws has simply been the political and social aggrandizement of certain families. Unfortunately, instead of abolishing the laws of intestacy, when the necessity for their existence had passed away, these laws had been made more stringent and exclusive during the last 200 years. I think it will not be denied that by assimilating the law on real and personal property in land, a great simplification would be gained as regards title deeds to property, though the lawyers might complain that their interests were interfered with. Whatever may be the views taken by lawyers, the real difficulty in effecting the change I desire is political and social. But I think it is time that the spirit of feudalism should give way to more modern ideas. The many would be gainers, though the few would be losers by the change. It was said by an American statesman, speaking of the change in the intestacy laws in the State of Virginia, which State was the last, after American Independence, to adopt the modern idea, that—"If there would be fewer coaches and six driving into Richmond, there would be more carriages and pairs." I do not anticipate that the abrogation of these laws will affect any great immediate change, but I believe the result will be salutary on the whole, and that, at any rate, an anomaly will be removed from the Statute Book. I claim the support of the present Government, and especially that of the right hon. Gentleman the Chancellor of the Exchequer, who told us in Manchester last autumn that "the true

features of a Conservative policy were not to destroy institutions, but to adapt them to the circumstances of the day." Surely I may claim that the present laws as affecting intestacy are not adapted to the circumstances of the day. I hope, therefore, to have the vote of the right hon. Gentleman in favour of the second reading of the Bill.

MR. LEATHAM: I rise, Sir, to second the Motion of my hon. Friend (Mr. Potter), and as my name is upon the back of the Bill, perhaps the House will allow me to say a few words in its defence. When this subject was last under discussion, we heard a great deal about the small freeholder, and I dare say that he will make his appearance again to-day. Hon. Gentlemen contend that the Bill will destroy him, and, so far as I am able to follow the argument, it is this—most of these small freeholds are heavily mortgaged, and the village usurer is only prevented from foreclosing and pouncing upon the land at once, because he knows that under the existing law it will descend in a lump. But how can he know that his victim will not make a will? And further, if the freehold be so heavily mortgaged, that the process of sale will sweep away the margin, the question suggests itself whether it is worth while to keep such a freeholder as that upon his legs at all. It is, above all things, desirable that the land should be in the hands of men of means. And if by the peasant proprietor be meant a proprietor who is mortgaged to the hilt, for my own part I lose all interest in the peasant proprietor. Indeed, I am a little amused at the amount of sympathy with which he appears to have inspired hon. Gentlemen opposite. I had always supposed that there was no landholder in the House who would have thought it a great misfortune if, at anything like a reasonable price, he was able to clear away some of the little white patches which, in his estimation, no doubt disfigure the green expanse of the map of his estates; but now I find that there is nothing so much to be dreaded, and nothing so much to be deprecated. There is one class of small freeholder, however, whom the Bill will not touch—those who have purchased a few acres with the proceeds of their industry, or who have inherited from those who have so purchased. For we have the high

authority of Lord Coleridge, based upon his experience as a revising barrister, for saying that such men are not only in the habit of making wills, but even simple settlements. But the class upon which hon. Members perhaps have their eye is one whose freeholds have grown up, not because they have been inherited, as we were told on one occasion, from the time of William Rufus, or any other William, but because the negligence of the lord of the manor has permitted squatters upon the common land. I cannot regard this class as either interesting or important. To begin with, they are not in a position of independence; for isolation is not independence. They are usually feeble parasites hanging on to the flanks of some great estate. There is nothing Arcadian about them, not even the simplicity, and if this Bill should promote their disappearance without hardship to anybody, and so give an unexpected holiday to the gamekeeper and the policeman, I do not know that we shall have any great cause for regret. But whether this be so or not, nothing can be more absurd than to invest the heirs of such men with all the paraphernalia which you have contrived to throw around the ownership and descent of land in the gross. It is better at once to recognize the fact that, except in the vicinity of towns, land has become a luxury of the rich, and one for which they are willing to pay exorbitant prices. It follows that for a poor man with a family to continue to hold land is very often the height of improvidence, and it is better for everybody that at his death the land should be sold at a high price for the benefit of all the survivors, rather than that it should pass to one to the exclusion and possible pauperism of all the rest. So much for the case of the small freeholder. Now, let me turn to what I cannot but regard as a more substantial objection to this Bill in the minds of hon. Gentlemen, and one which is thinly veiled by all this transparent enthusiasm for the small freeholder—I mean the possible influence which this Bill may exercise over the future of primogeniture in this country. To listen to some hon. Members, one would suppose that a hereditary Monarchy and a hereditary Peerage were staked upon the issue of this debate. It has been my melancholy lot on many an occasion, when some just

reform has been demanded, to see what I may term the great Gods of the Constitution dragged by the hair into our debates, but not often, I think, in quite such a quarrel as this. At the risk of appearing irrational to some hon. Members, I venture to dispute the assertion that this Bill will endanger the principle of primogeniture as it is now understood in this country. For what is meant by primogeniture now? Does it mean that the obligation which devolves upon every man to support all the beings whom he has introduced into the world is rendered null and void by the fact of his being possessed of property in the most substantial and enduring shape? If this were the meaning of primogeniture, it could not exist in this intelligent community for a single hour. What is the significance of your whole system of settlements in favour of younger children? Why, it is the protest of every succeeding generation against the naked barbarism of such an idea. The universal custom of the country is against it, for it is the universal custom to provide for younger children at the expense of the estate. All natural justice and all reasonable sentiment are against it too, for I will engage to say that there is no Member of this House possessed of landed property, and only landed property, and possessed also of the power of willing it, who would dare to think that he was propitiating either justice or sentiment if he bequeathed the whole to one child, and flung all the rest naked and destitute upon society. Yet it is precisely against this burlesque and caricature of primogeniture that this Bill is framed. Now, if it is any crumb of comfort to hon. Members who are opposing the Bill, let me say at once that, as one of its promoters, I have no quarrel with the principle of primogeniture. I am very far indeed from saying that when a man has once made what he considers to be an adequate provision for his children, he is not at liberty to bequeath the surplus to any member of his family he pleases; and upon what member of his family is his choice so likely to fall as upon his eldest son? I will go a step further, and say that when a man has made proper provision for his family, there is no principle of economy, and, certainly, no precept of morality and religion, which can forbid him to bequeath the whole of the surplus to

some great public object with which his children may have nothing directly to do. Taking, then, this limited and modified, and, as I venture to think, reasonable notion of primogeniture, what is there in the Bill before the House to overthrow or even endanger it? The practice of primogeniture is based on almost immemorial usage. Are we asked to believe that immemorial usage will perish before a Bill which will change the devolution of only one estate in 500 — perhaps not of one acre in 5,000? It is not contended for a moment that this Bill will change by one hair's-breadth the devolution of large estates. They are bound up by fetters which are strong as the chains of destiny, and which the Bill cannot unbind. And whose example are the small proprietors so likely to follow as that of the large proprietors? If, then, primogeniture be just, if it appeals, as it does appeal vehemently, to sentiment, if it be able to command the force of predominant example, what has it to fear from this Bill? Hon. Gentlemen display very little confidence in the justice of primogeniture and in the power of all those forces which will still converge in its favour, when they tremble for it, and for everything which they suppose to be founded upon it, merely because we propose to touch the very fringe of the question by a little Bill for the dispersion of estates which are either so small, or the devolution of which is so little an object of interest to their owners, that they make no wills at all. Even if I were enamoured of the principle of primogeniture, if I regarded it, not as I do regard it, as a principle which has a great deal to be said in its favour, but as that upon which everything which is just and stable in this country is founded, I should still vote for this Bill; because all experience proves that if a principle is to be respected and preserved it must not be pushed to an excess, and I contend that it is pushed to an excess by the existing law. Why, there is no civilized country in the world with such a law of intestacy! We are acting not only in the teeth of English custom, but of the whole law and custom of mankind. And, under these circumstances, what must happen? Why, being indefensible, the law will some day be swept away, and with it possibly other things which are quite susceptible of defence, but which

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we persist in confounding and entangling with it by all the reasoning, I had almost said by all the casuistry, at our command.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. T. B. Potter.*)

**MR. GREGORY** said, that the subject of the Bill had not yet been brought forward in the present Parliament, and no one could say that it was not a fair one for discussion, or that it had not been most ably and moderately treated by the hon. Members who had introduced it. But the question was, whether they had shown a sufficient case for the alteration of a law which had been in operation, in this country, at all events, since the Norman conquest, and probably before, as it appeared to have formed part of the Saxon code by which the country was previously governed. Now, in the first place, in dealing with the question, he protested against any analogy being attempted between this and foreign countries. The conditions of their climate, products, and population were so different that no fair parallel could be drawn, and he trusted in particular that we should never be brought to entertain the French law of partition of property, of the effects of which he had some personal experience, and of the destructive effects of which upon property he warned the House. It was true that the present Bill did not go to that extent, inasmuch as it left untouched the power of dealing with property by settlement or devise; but if they introduced the principle as proposed by this Bill of the partition of property, in case of intestacy they might before long have a cry raised against the power of devising land by will as contrary to the spirit of the law, and the distribution of property which it contemplated. Now, as regarded the Bill itself, it would, as he read it, operate as a conversion of real property out and out in cases of intestacy, and as the property was to pass by the grant of administration, he apprehended that it would become liable to administration duty. He did not know whether it was the intention of the promoters of the Bill to subject land generally to probate or administration duty. It had not been stated by them, but it was implied by their Bill, and gave rise

to a very grave and serious question, involving, of course, the distribution of burthens between real and personal estate, and the liability of the former to land tax, local rates, and other impositions of that nature. As regarded the operation of the Bill it would not take effect upon many of the larger estates in this country, as they were generally the subject of settlement, or upon many of those belonging to the upper and educated middle classes, as those persons generally left wills which would take their property out of the operation of the Bill; but the Bill would take effect upon many small properties belonging to persons in humble circles, and it would be well for the House to consider what this effect would be. Now, if land was to be divided amongst a family, it could be done only in one of two ways—namely, either by sale or by partition; and he ventured to say that, do what you would, the expenses in either case would be wholly disproportionate to, and would seriously affect, the value of the property. Besides this, were you really benefiting the members of the family by this distribution? Would you not be creating in their minds the impression that on the death of their parent they would come into possession of property sufficient for their wants, and that it was not necessary for them to provide for them by their own exertions, subjecting them, in short, to that most demoralizing of influences—namely, that of living upon expectations? He (*Mr. Gregory*) had seen much of this in families, in cases of personal property, and he certainly did not think it would be beneficial to carry it any further. Well, if this were a true representation of the effects of the Bill, the question arose, whether a sufficient case of hardship had been made out of the operation of the present law to justify the alteration of it. The hon. Gentleman who promoted this Bill had not cited any instances of it. He (*Mr. Gregory*) did not deny that there might be some—in fact, there was hardly any law which did not occasionally give rise to hard cases. But he did not believe they were numerous in the present instance, and certainly, in his own experience, which had extended over a good many years, he could hardly recollect one. Again, he believed that the law as it stood generally carried out the wishes and intentions of the owner



of the property. There was a general desire in the proprietors of land in this country to keep it together, and in none more strongly than in Gentlemen who, like the Mover and Seconder of the Bill, he believed, had acquired property by their own energy and intelligence. He believed, under the circumstances he had stated, that the proposed alteration of the law was uncalled for and injurious; that it would be destructive of small properties, which would have to be sold, and, if sold, would certainly be merged into larger estates; and that we were called upon, without any case of necessity being shown, to alter a system of great antiquity, well recognized and generally acquiesced in by the people of this country.

MR. BERESFORD HOPE, in seconding the Amendment, referred to the time which had elapsed since the question used at long intervals to be presented to the House as the pet crotchet of Mr. Locke King, the loss of whose genial presence was the smart money which Parliament had paid for the beneficent change of 1874. Mr. Locke King used to base his views on somewhat sensational stories of alleged individual hardships, while the hon. Member for Rochdale had plunged into the depths of archæology, and discoursed upon gilliflowers in 1270. As to the ingenious speech of his hon. Friend the Member for Huddersfield, he could only contrast it with a very telling one from the same lips delivered only a short time ago, when he was resisting a small Bill for enfranchising widows and spinsters, on the ground that that apparently trifling little Bill was only an instalment which would open the road to still wider and worse changes. On that occasion his arguments seemed to be very conclusive, and cynical critics might consider them a logical reply to the speech which the House had just heard. Still, his hon. Friend was the martyr of his own consistency, when he had the candour to tear the mask from the Bill and own that it was intended for the absorption of small properties. He must himself, relying as he did on such good authority, denounce the Bill as a barefaced attempt of Plutocrats to make it more easy to absorb and gobble up those small properties in land which were often, at present, difficult of acquisition; while, if the desired change took place, they

would be at the mercy of any provincial Ahab. In this respect he maintained that the Bill was contrary to public policy and an anachronism; while, on the other hand, it might often lead to the breaking up of properties, when sound reason would urge they had best be kept together. It had been brought forward many times by Mr. Locke King; but he would go no further back than March 2, 1859, when it was thrown out by 271 to 76. On that occasion the Leaders of the then Opposition, though Liberals, showed themselves conservative of the principles of the Constitution. Sir George Cornewall Lewis—one who was, in the best sense of the word, the most sceptical of men—a man in whom imagination never overbore reason, nor hypothesis evidence—denied that a measure of this sort could have a limited application, and said “its effect would be to extinguish that class of persons who were denominated heirs.” Sir George Lewis argued, moreover, that it would operate against the widow, by raising a sentimental feeling against marriage settlements for fear of crippling younger children. So that, although under the present system there might be “limited starvation,” under this Bill there would be starvation all round. As things were, there was left one corpus of property on which all might lean—hereafter, corpus there would be none. Lord Palmerston, who followed, roundly asserted that such a proposal was incompatible with the maintenance of a constitutional Monarchy; but it was not necessary to go that length to be seriously opposed to the change. However, it was worth noting that that very shrewd man stated that his objections to the Bill were “on every possible ground;” while he characterized the alteration in the law as at variance with all the habits of the English people. In 1866, when he (Mr. Beresford Hope) had the honour of carrying its rejection, the minority of 76 in favour of the Bill had grown to 84, but the opponents of the measure then numbered 281. So the progress in seven years was an increase in the opposition to it of just two. Sir Roundell Palmer, who was then Attorney General, thought it so necessary to resist the measure that he ran out of Court, and came down to the House in his wig and gown in order to make a speech against it, in which he dwelt with great force on the benefits in time

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past of the maintenance of a graduated scale of society, which, as he contended, this Bill would affect. The debate was concluded by the right hon. Member for Greenwich, who was then Leader of the House, and he expressed a general acquiescence in Sir Roundell Palmer's arguments, and voted in the majority.

Mr. Locke King again brought forward the measure in 1869, when it was carried by a small majority, during the first year of the Government of the right hon. Member for Greenwich. But that was at a time when hon. Gentlemen opposite were reveling and rollicking in their enormous majority of 120, pulling down Churches and generally turning the world upside down. Yet they could only whip up a miserable majority of 25—169 to 144—although the right hon. Member for Greenwich—following the bent of his gigantic but impulsive intellect—then voted for the Bill. It was not for him to conjecture the mental process which had so soon turned his right hon. Friend; but this he knew—that in the minority still voted 17 Liberals, and some of them men of great weight in that House, such as the hon. and learned Member for Taunton (the late Attorney General), the right hon. Member for South Hampshire, and Sir Roundell Palmer. At that time, too, the case of the advocates of Mr. Locke King's measure was bolstered up by that most absurd fallacy that there were only 30,000 landed proprietors in England—founded upon an obviously unfair muddling of some fragmentary Census Returns—a fallacy which he grieved to say that even the right hon. Member for Birmingham had condescended to pick up and to propagate. Since then the "Domesday Book" had appeared, and showed that, excluding proprietors in London, there were 972,836 landed proprietors in England and Wales, of whom 703,289 held less than an acre each. Not only had that fallacy been exploded, but the Return had clearly proved that there were a great many more proprietors of very small quantities of land scattered throughout the country than the world had previously suspected. He found, for instance, that out of 48 properties, taken at haphazard out of eight counties, six from each, 22 were under 10 acres, while only two counted by thousands—4,323 and 1,716 respectively;

and there were but five between 1,000 and 100 acres—the largest of 747, and the smallest of 183. How, therefore, any hon. Member could contend that public policy required that further facilities for the division of landed property should be given by the Legislature, he was at a loss to understand. These figures proved that land was already divided enough. The common sense of the matter clearly was, that although when a large property came into the market the next proprietor, if he could buy it as a whole, and if he was sure it would stay a whole, might very probably do so, supposing him to be a man who had made a fortune, and who wished to establish a name in the country, yet that, as a rule, sizeable properties were preferentially kept together at their original dimensions.

The enactments of this Bill, and still more the tone of feeling which it would engender, would be fatal to the continuance of the existing balance; the bigger properties would get bigger, and the smaller ones smaller each generation. There was, again, another class of small proprietors which had no existence 40 or 50 years ago—the proprietors of lots in building societies. What would be the result in their case if this Bill were passed? When any of these proprietors had not made his will, the property would come into the market. Was it likely that the labourer or the artisan would come in to buy it? No, it would go to the attorney or the speculative builder, who would be on the perpetual look-out to snap up windfalls; so that land societies would no longer be the beneficent agents of industry which they were intended to be. The village usurer also—a common character in some parts of the country—would profit by the Bill, for, although a man might still, by mortgaging his property, retain a nominal ownership, he could be able to do so only at a higher rate of interest in proportion to the risk, and thus be more speedily reduced to destitution. If hon. Members opposite were all as candid as those who had preceded him, and declared as openly that they wanted to see an end of small properties, he could meet them on equal grounds. But, even assuming their premises, the *damnosa hereditas*, if it was one, was limited to a single victim, and it was only exceptionally *damnosa*, while the other sons made

their own way by their own exertions. Under that system of preferential division of which this Bill was the forerunner, all inheritances would ultimately be *damnosissime*, and the ever swelling phalanx of owners of land too little to live by, and yet just big enough to delude them into dodging starvation, would daily draw closer to the risk of deteriorating into purposeless and needy loafers. Then, as to the larger properties. In his speech in 1866, Sir Roundell Palmer pointed out the advantage of keeping old residential estates well together, estates on which the landlords lived, not merely viewing them as investments, but for pleasurable occupation—men who looked after the schools and provided good cottages on their properties. But it was said that if the Bill became law not only this residential landowner, who did so much for the poor on his property, but all others, would be sure to make their wills. Well, it was a strange reason for asking the House to pass a measure to enter into a sort of guarantee that its provisions would be inoperative. It would, however, not be inoperative in such cases, for instance, as those in which a proprietor happened to be a minor or a lunatic, and the result would be that, however important to the neighbourhood might be the maintenance of an estate in its entirety, it would have to be put up for sale and divided piecemeal.

The right hon. Member for Birmingham had, in speeches delivered outside the House, told them that it was not intended to introduce the French system of compulsory division or to interfere with freedom of bequest, and had urged that this was simply an optional measure. But its more outspoken advocates admitted that their desire was to change the existing prejudice for keeping property together, and to substitute the opposite doctrine in popular estimation. If they had not a bias in favour of some such system the question would not have been urged on with so much pertinacity. But in France the enforced division of land had, as the House well knew, and as had been pointed out in a very interesting work (*Round my House*), recently published by Mr. Hamerton, and describing the social life of provincial France, or at least of Burgundy, from the farm-house and the cottage to the

chateau of the squire and the dwelling of the well-to-do *bourgeois* in the country towns—produced a very miserable state of things, and one which must, as time went on, lead to still more disastrous complications. The supposed political stability and dread of change which had sometimes been predicated of the French system as a favourable feature was one which he would not dignify with the name of Conservatism, for it was at best a lazy, torpid, profoundly ignorant, and, above all, selfish feeling. It had to be taken in connection with another French practice, not indeed enforced by the *Codé civile*, but by the equally tyrannical law of custom, the *mariage de convenance*, also very graphically pictured by Mr. Hamerton. The most respectable provincial form of this *mariage de convenance* (the one, that is, which is fashionable in upper and *bourgeois* classes) was when neither party had ever seen the other, but both were convinced of the solid advantages of the alliance, and both perhaps owners of some scrap of land. The combined results of this system was that which a very eminent French Protestant minister lately owned to him (Mr. Beresford Hope) was *la playe* (the sore) of French social life—namely, the limitation of families. This was a subject on which it was impossible to speak publicly with perfect plainness in a country where the domestic hearth with its large and happy family circle was cherished as God's blessing. The husband and wife in France married for interest. Their affections were set upon keeping together their properties, of which each had probably a share. One child would unite both possessions, two would leave things as they were, and the diminution made by three could be repaired by saving. A larger family meant inevitable partition and diminution. The result was that the marrying couples did not wish their unions to be very fertile and that those unions were not very fertile. The House would not be surprised at his being very fearful and jealous of any legislation which seemed even to open the door to any possible introduction of so evil a system. The Bill had never yet been made a Party question, for the number of distinguished Liberals who voted against it in 1869 had been sufficient to direct it of that character. He appealed, there-

*Mr. Beresford Hope*

fore, to the Opposition not, now for the first time, to make this a Party division.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Gregory.*)

**MR. BAXTER** said, the hon. Member for the University of Cambridge had delivered a long and amusing speech, but he had entered very much into the question of general politics, in which course he (*Mr. Baxter*) did not desire to follow him:—indeed, if any one had come into the House during the earlier portion of the hon. Member's speech he would have been at a loss to discover what the debate was about. The party who were opposed to the very simple alteration of the law which it was the object of the Bill to accomplish, had made a very remarkable change of front during the course of the controversy. He (*Mr. Baxter*) was old enough to recollect when the sole objection made to the change was that it would lead to the partition of estates, and when all the stock arguments against the system adopted in France and elsewhere were brought up to frighten the people of this country into a rejection of the policy proposed by this Bill. But in 1869 that argument was not used. Hon. Gentlemen one after the other took exactly the opposite line, and told the House then, as it was told now, that if the Bill was passed, the main and immediate consequence would be to annex a number of the small properties to vast neighbouring domains, and in that way forward the accumulation of property in a few hands, and so make the evil greater than it was at present. That was the argument of 1869. To-day they were favoured with both these arguments; for both the hon. Gentleman who moved the Amendment (*Mr. Gregory*), and the hon. Gentleman the Member for the University of Cambridge (*Mr. Beresford Hope*), described this as a Bill for the partition of land, and then went on to show that it would tend to the annexation of small properties to large ones. Two more inconsistent speeches he never remembered. For his own part, he did not believe that the consequence of the passing of the Bill would be the assimilation of the law of property would make

any perceptible difference in the size of estates in Great Britain. But the true question in issue, in this the 19th century, was whether the mode in which personal property—intestate personal property—was now distributed—namely, to the widow and children, male and female, was a fair and natural and a Christian-like mode of distributing it? And he would ask every hon. Member sitting on the other side of the House, if he had a new constitutional code to draw up, would he for one moment entertain the idea of giving the eldest son the right to all the real estate, leaving, perhaps, the other members of the family in a state of destitution? Why, this was a piece of artificial legislation. It came down from feudal times, from the mediæval ages, and arose from the circumstances of those ages. Our more modern and better notions of justice to humanity would never have established it, and he was satisfied that sooner or later it would be abolished. The cases of intestacy were few and far between in this country; but, at the same time, it was essential that the law should be uniform, no matter what the property was, whether it was real or personal. He had two reasons for supporting the Bill. First, that it would do something in the way of educating the people of this country in favour of a more equal division of property. He did not agree with what had fallen from the hon. Member for Huddersfield (*Mr. Leatham*), and thought the Bill would have a tendency to educate the people of this country in favour of equal distribution of property, and so mitigate the evils of the advantages which were too often given to primogeniture. He would plainly assert his opinion that it was a great detriment to any nation when great tracts of land were held by one man, who must necessarily be an absentee, and unable to perform those duties which a landlord ought to perform. The hon. Member who had just sat down (*Mr. Beresford Hope*) had referred to a most interesting book relating to the subdivision of property in France. The book exposed the evils which they all knew existed under that system—and he might say at once that he was not an advocate for the compulsory subdivision of property, or that we should assimilate our law to that of France. He thought the law of France

a very bad law; and in advocating this Bill he wished to deny in the strongest manner that he had any desire whatever to assimilate the law of this country to that of France. His second reason for supporting the Bill was that it would relieve many families who under the operation of the present system would be plunged into a state of destitution by the death of a father who had invested all his little savings in a plot of ground, and had unfortunately omitted to make his will. The hon. Member for East Sussex (Mr. Gregory), who moved the Amendment, said—and he (Mr. Baxter) was surprised to hear it—that he did not believe there were many such instances in this country. Surely his hon. Friend had been present on former occasions when a great many instances of such hardship were quoted. The hon. Gentleman the Member for the University of Cambridge admitted that in the speech they had just heard. Another objection had been urged against the Bill. It was said that it would be found that small properties would be consumed by mortgages, and that the effect would be to annex small holdings to large ones. The hon. Gentleman (Mr. Gregory) did not agree on this point. He said he did not believe that mortgages existed to a great extent; but he was flatly contradicted by the hon. Member for the University of Cambridge. Was it not a strange thing that this country of ours was the only country which had a law of this kind? That was a reason of itself why they should pass the Bill. The distinction between real and personal property could not be long maintained, and he thought the House would act wisely in making a virtue of necessity by roading this Bill a second time.

MR. GOLDNEY said, that isolated cases of hardship must occur in every state of society and under any law, and no doubt inconvenience sometimes arose from our law in relation to this matter. The real question was the general expediency of the existing law. As to the Bill, there had been many proposals for altering the law, but this Bill appeared to him the very worst of all the measures which had so often been submitted to the House on this subject. He thought it would have been far better if the hon. Member for Rochdale, being a private Member, instead of bringing in a Bill for altering the law on so important a

subject, had moved a Resolution stating the principle on which he desired to proceed. But remembering the advanced opinion of the hon. Member, they must look a little beyond the particular provisions of the Bill. Some political economists had vindicated the right of the owner of land to dispose of it by will as tending to the public good, on the ground that the owner of such property would have a stronger motive to take care of his land when he knew that he had the right of directing how it should descend. Others asserted the absolute right of the children to share the land of the deceased parent. But if it were once affirmed by Parliament that in the event of intestacy the land should be divided among the children, the matter would not rest there, for some philosophers had advocated that in the event of there being no child the land should lapse to the State. The Bill really tended to the adoption of the maxim of the late John Stuart Mill, which ignored more or less the right of private property in land. Then there were economical authorities who held that a man's duties did not extend beyond educating his sons and providing for them up to years of maturity; at all events, that he was under no obligations towards collateral relations, and if once Parliament affirmed the principle of this measure, it would pave the way for hereafter limiting the rights of children in cases of intestacy or ignoring the claims of collateral relatives. It had been said that the existing law in this country could be found in no civilized community. The Colony of Victoria, however, after fully considering the whole subject, had adopted the English law of descent in its integrity. In some of the American States there was a different mode of distribution upon intestacy, but it was coupled with a provision that the widow should take her share only for life, as under our law of dower, while under this Bill she would be entitled absolutely to any portion coming to her. No doubt an investment in land was by no means the most profitable a poor man could make; but, as far as his experience went, there was a strong feeling, even among persons possessing but a small amount of landed property, in favour of inheritance by the eldest son. He fully recognized a man's right to leave his property to anybody else; but the custom in favour

*Mr. Baxter*

of the eldest son was thoroughly understood in English society. The common saying was, "land which comes by heirship goes by heirship;" and persons who possessed only a cottage and two or three acres of land would rather do anything than dispossess their eldest sons. This Bill, however, would tend to break up small properties into properties still smaller; and as these small estates came into the market, they would be bought up and added to the larger estates adjoining; therefore the practical effort of the Bill would be to increase the size of estates already large, and to diminish the number of small freeholds. Again, it was a great objection to the Bill that it left so large a question as the descent of land to rest upon the mere accident of a man dying without a will; and there might be such a case as that of a married woman having power to dispose of her land by will—would her husband allow her to make a will, which might defeat his own right of succession which would accrue if she died intestate? Again, there was the case of copyhold property, which in the absence of a will would descend according to the custom of the manor; why should that property pass in a different way from that in which ordinary freehold property passed? Then there was an enormous proportion of the land in this country which was held in trust which this Bill would not deal with at all. In all these respects, there would be one law of descent established for one portion of the land, whilst there would be another mode of descent for other portions of the land. It must further be remembered that if estates were to be split up in the event of intestacy, the burden of employing surveyors and other persons upon such occasions would create consequences which would be serious in the case of large estates, but in the case of small estates would constitute a ruinous burden. A more simple way of carrying out the principle contained in the Bill would have been simply to say that land should in future be treated as personal property. He was very much inclined to think, as other hon. Members would, that behind this Bill this principle was sought to be established—that property in land should, as much as possible, be broken up in some shape or other. He did not see the right hon. Member for Birmingham in his place; but some years ago the

right hon. Gentleman took a large part in the discussion of this measure, and then thought it unfair and unjust that a man should exercise his right of disposition to benefit one child to the exclusion of another. But the right hon. Gentleman said—"I think that to force the division of property by law is just as contrary to sound principles and natural rights as to prevent its division as is done by our law." Now it had not been shown that the present state of things required to be altered, and he hoped, therefore, the Amendment of his hon. Friend the Member for East Sussex would be agreed to.

MR. OSBORNE MORGAN believed that the probable effects of this measure had been greatly exaggerated, both by its supporters and opponents, but he should support it, because he believed that the operation of the existing law was unjust and oppressive. The Bill, in his opinion, would be of very limited operation. It would not touch the great family estates, which constituted the great bulk of the real property of the nation, nor would it touch any land disposed of by will. As to a man dying intestate in England, he had small chance of doing so, even if he desired it. He altogether protested against the suggestion of the hon. Member for Chippenham (Mr. Goldney) that there was something behind it. He maintained that a measure ought to be judged on its own merits. For his own part, he was opposed to the law of France with regard to the subdivision of property. In the case of real property intestacies were rarer than in that of personal property; and he did not believe that one man in a hundred of the owners of real property died intestate. But if a man died intestate the office of the law was to step in and make, as nearly as possible, the same disposition of the property as the owner, if a right-minded man, would have wished to do. Well, he would ask, was there any less obligation to provide for his children on a man who had invested his money in houses than if he had invested it in Consols, or was a man entitled to a freehold estate more free from that obligation than one who possessed a leasehold for 999 years? It was very often a toss-up whether a man died possessed of real or personal property. For instance, a farmer in his neighbourhood who had

just invested all that he was able to scrape together in the purchase of a little real estate, on his return from the solicitor's office, and before he had made a will, was run away with by his horse and killed: the whole of his property went to his eldest son, and the widow and children were thrown on the parish; but if the man had been killed while going to the solicitor's office the property would have been divided among his widow and children. Not one of the three hon. Members who had made speeches against the Bill had touched the question of the justice of the case. The whole of their argument was founded on public policy. But then the divergence between the Mover of the rejection of the Bill and his Seconder was remarkable, for while the former opposed the measure on the ground that it would lead to the accumulation of estates, the latter opposed it because it would lead to their subdivision. No doubt the latter influence was the stronger of the two; but if there were these two dangers we might safely leave the one to neutralize the other. He did not believe the Bill would have any sensible effect in increasing either the subdivision or accumulation of property: but what he would say was—"Make your laws just and reasonable, and leave the accumulation and subdivision of property to take care of themselves."

Mr. HENLEY said, no doubt much might be urged upon the abstract question whether one species of property should be dealt with in one way and one in another: but what he looked at was this, where parties by their own default did not make a will, how this proposed legislation would act upon those who were better off in the world and those who were less well off. He confessed he looked very much to the effect this Bill must have upon a very valuable class, the 40s. freeholders. He could not but see that this measure in the course of a very few years must annihilate them. He was very sorry for it, but he could see no other result. Take the case of a man with a cottage and garden of 40s. a-year who died intestate. By the time the administration fees were paid, perhaps a little debt on the cottage, and the legal expenses, what would be left to be divided among the family? He asked any reasonable man whether that would not amount to a confiscation

of property? Who was entitled to most consideration, the man with little learning and little information, who was not likely to know the ill effects which would happen if he did not make a will, or the man who was wealthy and better informed, and was therefore better able to make a just distribution of his property? Those who knew anything about the poorer classes would agree with him that they were not in the habit of making wills, they did not like lawyers, they knew how their property went, and were content to leave it alone. He did not see why, on account of some injustice and inconvenience which might arise among those who were more able and ought to take precautions against those evils, we had a right to inflict this Bill upon that large class comprehended under the name of 40s. freeholders. They were a valuable class, who had held their estates for many generations, and who would be very loath to see those estates dealt with as this Bill would deal with them. An argument had been used as to the effect of the Bill on the distribution of property. His belief was that its effect would be precisely the reverse of what had been stated, because so little was to be made by land that those portions that were put up for sale would fall into the hands of some wealthy neighbouring proprietor. That would be the natural result, and so far from distributing property, the tendency would be to concentrate it. He would therefore be glad to support the Motion of the hon. Member for East Sussex for the rejection of the Bill.

Mr. LEVESON GOWER said, he should support the Bill. He had listened to the whole of the arguments for and against the measure, and he believed the entire question lay in a nutshell. The law of France had nothing whatever to do with this question. There was not a single Member of the House more opposed to the law of France than he was; its evils, economical and social, were manifest; but he defied any one to point out that such evils would be occasioned by the proposal now under consideration. The right hon. Gentleman opposite (Mr. Henley), to whose opinions he always listened with respect, was opposed to the measure on the ground that it would be injurious to the owners of small properties who did not make wills. But he (Mr. Leveson Gower) must say

that every one ought to make his will, and the man who wished to divide his property among his children ought to make a will as well as the man who wished to leave it to his eldest son. If this proposed change in the law were made, the duty of making a will would be impressed on every one. He was not opposed to the custom of primogeniture. If not pushed too far, the custom was beneficial; but he held the custom to be a very different thing from the law of primogeniture. Anyone with an estate of a certain size was, in his opinion, right in leaving it to his eldest son, to educate his younger children, and give them the means of living. One of the beneficial results of that custom was to be seen in the fusion of our different classes; for he believed there was no country in Europe in which the separation of classes was less marked. But without the existence of the present law there was the natural feeling of a man to wish to increase and maintain the importance of his family; and that would induce this custom to continue in force. That was not a bad feeling unless carried too far. But the important question was, whether the present law of primogeniture did not carry that feeling too far. He believed there was in this country a notion that a man was more responsible for the welfare of his eldest son than of his other children. He was not sure that this feeling was not fostered by the present law. Where a man had colossal estates it was desirable that a man having several sons should distribute his estates, and that would be done to a larger extent than now if this law of primogeniture did not exist. With regard to younger children, he thought the feeling was in favour of equality among them, and if the law were altered a man would be led to consider their case more than at present. The case of daughters was a very cruel one. Many daughters brought up in luxury were often reduced to a position bordering on beggary; but if the law gave those children a right to a certain portion of the property of their father in case of intestacy, it would probably dispose him to consider his responsibility in regard to them. He thought the operation of this Bill would be gradual, but beneficial, so far as it went, and therefore he should support it.

Mr. ASSHETON said, that it had been argued that the existing law was a

relic of feudalism. He was not to be frightened by the word feudal. The greatest advantages to this country had originated in the laws that had come down to us from feudal times; and if everything that could be traced to feudalism were eliminated from our system very little would be left. A fallacy pervaded the arguments of those who supported this measure. It was said that where a man possessed of personal property died intestate the law divided that property among his children, and why should not the same thing be done where the property was real estate? He saw no reason for assimilating the law of real property to that of personalty. He had known cases in which the personalty having been divided among the other children, the heir had been left comparatively a beggar. He believed this Bill, if passed, would be really inoperative, and what was the use of passing a measure which would be practically inoperative? He should vote against the second reading.

SIR WILLIAM HARCOURT thought the hon. Member for Clithero (Mr. Assheton) had carried his enthusiasm for primogeniture to a most extravagant extent, for he seemed to think that the heir having got the inheritance should take the personal property also. He could congratulate the constituency of Clithero for having for their Representative a Gentleman who was several hundred years behind the age, and whose opinions would have been considered barbarous even in the 12th century. The question was not one of feudalism—they had nothing to do with the cobwebs spun by the hon. Member for Chippenham (Mr. Goldney)—it was a question of justice between man and man. He asked the House to consider was it fair where a man died intestate, and where the whole of his property was in land, that his widow and younger children should be altogether unprovided for? He hoped and believed there were very few men in this country who by will would leave their whole property to one son, leaving the other children and the widow beggars. Such conduct would be reprobated by society. The object of this Bill was to declare that where a man possessed of real estate died intestate, the law of England should not make so wicked a disposition of his property. The present law was monstrous



and unjust. If a man died intestate in regard to personalty, the law made a fair and just distribution of it; and when he died intestate possessed of real property, he did not see why the law should not make an equally fair and just distribution. The law should not interfere with the personal liberty of the individual—he should have free power to dispose of his property as he wished; but if he did not exercise the option which was given him to dispose of his estate, the law, like that of every other civilized community, should be a just law, and prevent what he said was a monstrous and wicked scandal resulting from the existing state of the law. He heartily supported the second reading of the Bill.

MR. HERSCHELL supported the Bill. He could see no reason or sound principle on which the present law could be defended. The simple question was, when a man died without a will what was a fair and equitable distribution the law should make of his property for him? In considering this question they were too apt to look at it in its personal bearings rather than to its effect on the national interests, and he said it was most unjust and most injurious that the whole real estate should, in the accident of intestacy, descend to one individual, leaving the widow and the rest of the family to destitution. As to the 40s. freeholder argument, if this law passed it would not extinguish the 40s. freeholder, who was likely to continue so long as it remained a qualification for a vote; but if it did it would be better that it should happen than that the present unjust law should continue to exist. In the law as it stood, when it first came into existence, there entered no idea of disinheriting the bulk of a man's children in favour of one. In those days the estate went to the eldest son, but it carried with it duties, burdens, and liabilities, and when those were borne by the same person there was nothing so unreasonable in it. The eldest son was then only a sort of administrator of the estate for the benefit of the family. He was only in law the proprietor. The law had been maintained, but that part of it was abolished, or had become obsolete, which prevented its working injustice. Again, the ancient law made a provision for the widow; but under the Dower Act

and by the practice of conveyancers every piece of land was now conveyed in such a way as to deprive a widow of all her dowry. He had heard no broad argument against the principle of the Bill. The hon. Member for East Sussex (Mr. Gregory) said this Bill would facilitate the conversion of realty. That might seem a horrible and monstrous result, but it only meant that the freehold house and the freehold piece of land would be dealt with in the same way as leasehold had been dealt with for many years. There would, no doubt, be individual cases of hardship under the new law as under the old; but the broad question which they had to consider was whether this Bill proposed a just, wise, and equitable distribution of property. He regarded it as a moderate, practical, and sensible reform. It would remedy cases of injustice where a man did not make a will, and it would leave every man free to will his property as he pleased. He believed that in a few years men would recollect with astonishment that a Bill so little revolutionary had been introduced into Parliament so many times in vain. He thought it was just and wise in its conception, moderate in its character, and that it would prove beneficial in its operation.

MR. GREENE said, that as soon as he saw the names on the back of the Bill he made up his mind which way he should vote. It was a very small Bill, but it had some very large names on its back. The Bill proposed a revolution in the laws and habits of this country which the Liberal Party had not urged when they were in power. That suggested the probability that the object of it really was to unite the Liberal Party; but he was not afraid of that consummation at present, and therefore he was not much afraid of the Bill passing. The law had the effect of holding families together and making our country what it is; and a stronger case must be made out for such a revolution as was now proposed.

MR. HOPWOOD said, the argument just used was such as always came from old grain Conservatives when reforms were proposed. England was "what it is" because of reforms which such Conservatives first opposed and then accepted. He repudiated the terrorist ideas of the hon. Member for Chippenham (Mr. Goldney), who had attributed

*Sir William Harcourt*

views to the hon. Member for Rochdale (Mr. Potter) which he did not hold. The proposal of the Bill was small in itself, and in point of justice it was unanswerable.

Mr. HARDCASTLE said, the question was not whether any change was desirable, but whether we should make the change specified in the Bill, and he desired to look at the probable effect of the Bill on the smaller properties. There were two kinds of small landowners—yeomen or “statesmen” who cultivated their fields with their own hands, and men with ample means, an increasing class, who owned good, often large, houses, with more or less land, forming what were called residential estates. In regard to the first class, the division of the property would lead to great hardship. It was far better for them and for society that the estates should remain in the hands of one member of a family, and that the other members should have to seek their own fortunes in trades and professions than that the old family property should be sold and the children receive a few pounds often more to their injury than benefit. Even in instances in which the money divided might be more considerable, the members of a family would still desire that the ancestral home should remain in the hands of one of them, as the rallying-point where they might meet occasionally, renew old associations, and gratify that attachment for the soil which was distinctive of the family life of this country. In regard to the second class, the distribution of the property would be the breaking up of the home, and would be felt as a family misfortune. He should oppose the second reading.

Mr. LOWE said, the solution of the question raised by the Bill depended upon the answer that would be given to another question—What were the considerations that ought to influence a man when he sat down to make a will? As the House was aware, up to the time of Henry VIII., the Legislature was of opinion that it was not right that a man should be allowed to make a will; but at that time opinions changed, and by degrees men were allowed to make their own wills. Why did the Legislature give them this power? Clearly because the State thought the power would be better exercised by individuals than by itself. If the question had been

whether there should be a division or an aggregation of property, the State would have been a better judge of it than the individual; but clearly the State did not think the making of a will a matter of political economy or State policy, but thought it was one of duty, justice, honour, and obligation as between a man and his children or relatives. It must have been on that principle that the law gave freedom of testamentary disposition. But suppose a man neglected to avail himself of this power, how ought the State to exercise it for him? Clearly if a man died intestate and the State was remitted to its former power, it ought surely to exercise it on the principle it had substituted for the old one and make a just and equitable will. But how was it to decide what would be a just will? On this matter we possessed complete information. In the case of personal property, the Legislature had laid down, and the common sense and feeling of the people had accepted, the law of division when there was no will; and the State therefore having to make a man's will, had nothing to do but to apply the same principle to real property. This appeared to him to dispose of all objections against the Bill. The Bill had nothing to do with any wild theory about the distribution of property, or with curtailing the liberty of men in dealing with their own. He could not see how any Conservative object could be attained by keeping up a flagrant and manifest injustice which in principle had been condemned by the State itself. As regarded the opposition to the proposed change, there was, perhaps, no instance in which so much had been made of so little. The present law was a plain and simple injustice—and who would maintain that it was conservative that the State should continue to maintain a gross and flagrant injustice? Any one would resent it as an insult if it were suggested that he would do that which the State did when it gave real property to eldest sons and left daughters and youngest sons to starve. Nothing could be less conservative, more revolutionary, more calculated to shake the foundations of property, than this clinging to antiquated notions derived from other conditions of society which did not now commend themselves to the common sense and the feelings of mankind.

THE ATTORNEY GENERAL said, the question before the House was very narrow and simple, but it was one which ought not to be decided without serious consideration. The question was simply whether in cases of intestacy the law should deal with real property as it dealt with personal property. It was all very well to deprecate criticism of the details of the measure; but it was certainly most extraordinary that, after the consideration which ought to have been bestowed upon it as the result of former debates—and the proposal was now introduced for the fourth or fifth time—it was still in so crude a form—so little considered and so carelessly prepared, that, if a married woman possessing real property died without a will it would be handed over to her husband without any provision being made for her children. Surely such a provision as that was not consistent with the claims of justice. In nine cases out of ten it would have the effect of compelling the sale of the smallest properties. The measure came before the House in specious guise, which certainly had the air of theoretical plausibility; but the question was not whether such a measure would work with theoretical justice, but it was whether, taking a large view of the interests of the community, it would be wise, expedient, and politic to pass it, and thereby effect a sweeping and radical change. Isolated instances of hardship must not prevent us taking a comprehensive view of the operation of the law; and if so great a change were necessary, surely hon. Members who had been getting up their case for years could have adduced some evidence of a desire in the country to alter a law which had existed for centuries, and which on the whole had worked satisfactorily. No such evidence had been adduced; no speaker had hinted at any manifestation of public feeling on the question. If it were the law that in every case where a man possessing real estate died intestate it should devolve upon the eldest son to the exclusion of the widow and of the younger children, he would admit that that would be a strong argument for some change; but it was not so—according to the law every owner of landed estate had large powers of dealing with it either by settlement or will. He might settle it for the benefit of his eldest son, or he might bequeath it by

will for the benefit of his widow and children. It was said that the possessor of real estate often neglected to make any disposition of their property. This was, however, seldom the case, because they valued the possession of land so highly, and treated it as so sacred a description of property, that they were in the great majority of cases careful to make a settlement or disposition of that property. Therefore, in dealing with this Bill, the House had only to consider what would happen in the very few cases in which the owners of real estate died intestate without making some disposition of their property either by settlement or will. In that event the real estate—subject to the widow's right by dower, which was too often forgotten—went to the eldest son. The question was what sort of will a man would be likely to make in regard to this kind of property. Notwithstanding what had been said by the right hon. Gentleman the Member for London University (Mr. Lowe), he was of opinion that in the great majority of cases where the owner of landed property died intestate he would, if he had made a will, have kept the property in the family and settled it for the benefit of his eldest son. If the proposed law had been in existence in this country, it would have had a detrimental and disastrous effect upon a class of persons who were entitled to the highest respect—namely, the small freeholders of this country. The House had been told that the ownership of the land was the luxury of the rich; and no doubt they possessed the greater proportion of the land of this country; but many of those who were not rich possessed as keen and eager a desire to acquire a portion of land as was found in the breasts of the rich. When a man of this class had bought or inherited a well-timbered estate, with perhaps a sparkling trout stream and other advantages, he was most reluctant to part with it, and he usually desired, of all things in the world, to keep those few acres in his family. This was, he knew, the case in those parts of England with which he was acquainted—in Cumberland, Westmoreland, and North Lancashire—which swarmed with "statesmen," as they were called, the owners of a small freehold property which had been in the family from generation to generation. What was the result? These

became good citizens in every respect in consequence of the property possessed. They might devise this property and settle it, but it was kept in the family by exercising this right of the law from generation to generation.

Was this so hard? Did it not happen that the small freeholder did devise his property to his eldest son, charging it very highly for the benefit of his widow and younger children, or leaving his personal property to his widow and the younger children of his family because he was desirous of leaving the land to his eldest son? It often occurred, however, that the eldest son died before he was of age to make a will, or some other contingency occurred under which the whole of the property which had been in the possession of the family for centuries, which had been so cherished a possession, would be of necessity brought to a hammer under this Bill. Was it a desirable thing that the House should impose such a limitation and fetter upon the disposal of these small estates? There was to his mind, another reason why the provisions of this Bill would not have a beneficial effect. Under the present law if a man possessed a very considerable landed estate he was in a situation to dispose of that property for the benefit of his widow and children, or other persons who had claims upon him, because the eldest son to whom it would come could say there was any abstract injustice in the disposition. If, however, the law, instead of giving him that property, gave the property to a number of people, they were entitled to it as if it were divided equally under the Statute of Distributions, the testator would hesitate to make that disposition of his property. He opposed this Bill because he believed it would work detrimentally to the interests of the State, and because it would interfere with the small freeholders and practically tend to extinguish a class as much entitled to respect as any other class in the country. He opposed the Bill, moreover, because it would create the greatest possible confusion and difficulty, and cause a change undesirable in regard to the public revenue. To sum up his objections, he opposed the Bill because it would effect a sweeping and radical change in the law that had existed for centuries, because no case had been made

out why such a radical change should be made.

MR. POTTER said, he was quite contented with the course of the debate, and would not delay the House in coming to a decision except to say that he felt assured no long time would elapse before the Bill would be carried.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 175; Noes 210: Majority 35.

#### AYES.

Acland, Sir T. D.	Fawcett, H.
Adam, rt. hon. W. P.	Fay, C. J.
Allen, W. S.	Ferguson, R.
Anderson, G.	Fitzmaurice, Lord E.
Ashley, hon. E. M.	Fitzwilliam, hon. C.
Backhouse, E.	W. W.
Balfour, Sir G.	Forster, Sir C.
Barclay, J. W.	Forster, rt. hon. W. E.
Bass, A.	Foster, W. H.
Bass, M. T.	Gladstone, rt. hon. W. E.
Baxter, rt. hon. W. E.	Gladstone, W. H.
Bazley, Sir T.	Goldsmid, Sir F.
Beaumont, W. B.	Goldsmid, J.
Bective, Earl of	Gourley, E. T.
Biddulph, M.	Gower, hon. E. F. L.
Biggar, J. G.	Greenall, Sir G.
Blake, T.	Grieve, J. J.
Bolckow, H. W. F.	Gurney, rt. hon. R.
Brady, J.	Hankey, T.
Brassey, H. A.	Harcourt, Sir W. V.
Bright, Jacob	Harrison, C.
Bristowe, S. B.	Harrison, J. F.
Brogden, A.	Hartington, Marq. of
Brown, A. H.	Havelock, Sir H.
Burt, T.	Hayter, A. D.
Callan, P.	Henry, M.
Cameron, C.	Herschell, F.
Campbell-Bannerman,	Hill, T. R.
H.	Hodgson, K. D.
Carington, hon. Col. W.	Holland, S.
Carter, R. M.	Holms, J.
Cartwright, W. C.	Holmes, W.
Chadwick, D.	Hopwood, C. H.
Childers, rt. hon. H.	Ingram, W. J.
Cholmeley, Sir H.	James, W. H.
Clifford, C. C.	Jenkins, D. J.
Cole, H. T.	Jenkins, E.
Cotes, C. C.	Kingscote, Colonel
Cowan, J.	Kirk, G. H.
Cowen, J.	Knatchbull-Hugessen,
Crawford, J. S.	rt. hon. E.
Cross, J. K.	Laverton, A.
Crossley, J.	Lawson, Sir W.
Davie, Sir H. R. F.	Leeman, G.
Davies, R.	Lefevre, G. J. S.
Dilke, Sir C. W.	Leith, J. F.
Dillwyn, L. L.	Lloyd, M.
Dodson, rt. hon. J. G.	Locke, J.
Duff, M. E. G.	Lowe, rt. hon. R.
Edwards, H.	Lush, Dr.
Egerton, Adm. hon. F.	Lusk, Sir A.
Ellice, E.	Macgregor, D.
Errington, G.	Mackintosh, C. F.

M'Arthur, A.  
 M'Arthur, W.  
 M'Kenna, Sir J. N.  
 M'Lagan, P.  
 M'Laren, D.  
 Maitland, J.  
 Maitland, W. F.  
 Marling, S. S.  
 Martin, P. W.  
 Meldon, C. H.  
 Mellor, T. W.  
 Middleton, Sir A. E.  
 Milbank, F. A.  
 Monk, C. J.  
 Morgan, G. O.  
 Morley, S.  
 Mundella, A. J.  
 Munzt, P. H.  
 Mure, Colonel  
 O'Brien, Sir P.  
 O'Connor, D. M.  
 O'Donoghue, The  
 O'Leary, W.  
 O'Loghlen, rt. hon. Sir  
 C. M.  
 O'Reilly, M.  
 O'Shaughnessy, R.  
 O'Sullivan, W. H.  
 Palmer, C. M.  
 Parnell, C. S.  
 Pease, J. W.  
 Peel, A. W.  
 Pennington, F.  
 Perkins, Sir F.  
 Playfair, rt. hon. L.  
 Portman, hn. W. H. B.  
 Power, J. O'C.  
 Power, R.

## NOES.

Adderley, rt. hn. Sir C.  
 Agnew, R. V.  
 Allsopp, C.  
 Allsopp, H.  
 Archdale, W. H.  
 Arkwright, A. P.  
 Ashbury, J. L.  
 Assheton, R.  
 Bailey, Sir J. R.  
 Balfour, A. J.  
 Baring, T. C.  
 Barne, F. St. J. N.  
 Barrington, Viscount  
 Barttelot, Sir W. B.  
 Bates, E.  
 Bateson, Sir T.  
 Bathurst, A. A.  
 Beach, rt. hn. Sir M. H.  
 Bennett-Stanford, V. F.  
 Bentinck, rt. hn. G. C.  
 Beresford, G. De La P.  
 Beresford, Colonel M.  
 Blackburne, Col. J. I.  
 Boord, T. W.  
 Bourke, hon. R.  
 Bright, R.  
 Brooks, M.  
 Brooks, W. C.  
 Brymer, W. E.  
 Butler-Johnstone, H. A.  
 Buxton, Sir R. J.  
 Cameron, D.

Price, W. E.  
 Ralli, P.  
 Ramsay, J.  
 Rashleigh, Sir C.  
 Reed, E. J.  
 Robertson, H.  
 Russell, Lord A.  
 Rylands, P.  
 St. Aubyn, Sir J.  
 Samuda, J. D'A.  
 Seely, C.  
 Sheridan, H. B.  
 Simon, Mr. Serjeant  
 Sinclair, Sir J. G. T.  
 Smith, E.  
 Smyth, R.  
 Stansfeld, rt. hon. J.  
 Stevenson, J. C.  
 Stuart, Colonel  
 Swanston, A.  
 Taylor, P. A.  
 Trevelyan, G. O.  
 Villiers, rt. hon. C. P.  
 Vivian, A. P.  
 Waddy, S. D.  
 Walter, J.  
 Ward, M. F.  
 Watkin, Sir E. W.  
 Whitbread, S.  
 Whitwell, J.  
 Whitworth, B.  
 Williams, W.  
 Wilson, Sir M.  
 Yeaman, J.  
 Young, A. W.  
 TELLERS.  
 Leatham, E. A.  
 Potter, T. B.

Edmonstone, Admiral  
 Sir W.  
 Egerton, hon. A. F.  
 Egerton, Sir P. G.  
 Egerton, hon. W.  
 Elcho, Lord  
 Elliot, G. W.  
 Elphinstone, Sir J. D. H.  
 Eslington, Lord  
 Ewing, A. O.  
 Fellowes, E.  
 Finch, G. H.  
 Folkestone, Viscount  
 Forester, C. T. W.  
 Forsyth, W.  
 Gallwey, Sir W. P.  
 Gardner, J. D. Agg-  
 Garnier, J. C.  
 Gibson, E.  
 Goddard, A. L.  
 Goldney, G.  
 Gordon, rt. hon. E. S.  
 Gordon, W.  
 Gorst, J. E.  
 Grantham, W.  
 Greene, E.  
 Guinness, Sir A.  
 Hall, A. W.  
 Hamilton, Lord C. J.  
 Hamilton, Lord G.  
 Hamilton, Marquess of  
 Hamilton, hon. R. B.  
 Hardcastle, E.  
 Hardy, rt. hon. G.  
 Harvey, Sir R. B.  
 Hay, rt. hn. Sir J. C. D.  
 Heath, R.  
 Henley, rt. hon. J. W.  
 Heygate, W. U.  
 Hick, J.  
 Hogg, Sir J. M.  
 Holford, J. P. G.  
 Holker, Sir J.  
 Holland, Sir H. T.  
 Holmesdale, Viscount  
 Home, Captain  
 Hubbard, E.  
 Hubbard, rt. hon. J.  
 Hunt, rt. hon. G. W.  
 Isaac, S.  
 Jervis, Colonel  
 Johnson, J. G.  
 Jolliffe, hon. S.  
 Kavanagh, A. MacM.  
 Kennard, Colonel  
 Knight, F. W.  
 Knightley, Sir R.  
 Lee, Major V.  
 Legard, Sir C.  
 Leighton, S.  
 Leslie, Sir J.  
 Lewis, C. E.  
 Lewis, O.  
 Lindsay, Col. R. L.  
 Lindsay, Lord  
 Lloyd, S.  
 Lopes, Sir M.  
 Macartney, J. W. E.  
 Mac Iver, D.  
 Majendie, L.  
 Makins, Colonel  
 Malcolm, J. W.  
 Manners, rt. hn. Lord J.

Marten, A. G.  
 Matheson, A.  
 Maxwell, Sir W. S.  
 Merewether, C. G.  
 Mills, A.  
 Mills, Sir C. H.  
 Montgomerie, R.  
 Montgomery, Sir G. G.  
 Moore, S.  
 Morgan, hon. F.  
 Morris, G.  
 Mowbray, rt. hon. J. R.  
 Mulholland, J.  
 Newport, Viscount  
 Noel, rt. hon. G. J.  
 North, Colonel  
 Northcote, rt. hon. Sir  
 S. H.  
 O'Gorman, P.  
 O'Neill, hon. E.  
 Parker, Lt.-Col. W.  
 Pelly, Sir H. C.  
 Pemberton, E. L.  
 Pennant, hon. G.  
 Percy, Earl  
 Plunket, hon. D. R.  
 Plunkett, hon. R.  
 Praed, C. T.  
 Raikes, H. C.  
 Read, C. S.  
 Rendlesham, Lord  
 Repton, G. W.  
 Ripley, H. W.  
 Ritchie, C. T.  
 Rodwell, B. B. H.  
 Sackville, S. G. S.  
 Salt, T.  
 Sandon, Viscount  
 Selater-Booth, rt. hn. G.  
 Scott, M. D.  
 Selwin-Isbetsen, Sir  
 H. J.  
 Sidebottom, T. H.  
 Smith, W. H.  
 Smollett, P. B.  
 Sotheron-Estcourt, G.  
 Stanhope, W. T. W. &  
 Starkey, L. R.  
 Steere, L.  
 Stewart, M. J.  
 Sykes, C.  
 Taylor, rt. hon. Col.  
 Temple, rt. hon. W.  
 Cowper-  
 Tennant, R.  
 Thornhill, T.  
 Thynne, Lord H. F.  
 Toilemache, hon. W. F.  
 Torr, J.  
 Tremayne, J.  
 Trevor, Lord A. E. Hill-  
 Turnor, E.  
 Verner, E. W.  
 Walker, T. E.  
 Wallace, Sir R.  
 Walpole, rt. hon. S.  
 Waterhouse, S.  
 Watney, J.  
 Wellesley, Colonel  
 Wells, E.  
 Williams, Sir F. M.  
 Wilmot, Sir H.  
 Wilmot, Sir J. R.

Winn, R.  
Wroughton, P.  
Yarmouth, Earl of  
York, hon. E.

TELLERS.  
Gregory, G. B.  
Hope, A. J. B. B.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for *three months*.

#### SEA AND RIVER BANKS (LINCOLNSHIRE) BILL.

On Motion of Mr. CHAPLIN, Bill to amend the Law relating to Sea Banks and River Banks in the county of Lincoln, ordered to be brought in by Mr. CHAPLIN and Mr. TURNOR.

Bill presented, and read the first time. [Bill 213.]

#### COUNTY OF PEBBLES JUSTICIARY DISTRICT (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to alter the Justiciary District of the county of Peebles, ordered to be brought in by The LORD ADVOCATE and Mr. Secretary CROSS.

Bill presented, and read the first time. [Bill 212.]

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

Thursday, 29th June, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—Friendly Societies Act (1876) Amendment\* (149); Poor Law Amendment\* (150); Settled Estates Act (1866) Amendment\* (151).

*Second Reading*—Local Light Dues (Reduction)\* (132).

Committee — Bankruptcy (106), discharged; Elementary Education Provisional Order Confirmation (Tolleahunt Major)\* (114); General Police and Improvement (Scotland) Provisional Order Confirmation (Paisley)\* (112)—Perth\* (113); Public Health (Scotland) Provisional Orders (Irvine and Dundonald)\* (118); Provisional Orders (Ireland) Confirmation (Coleraine, &c.)\* (107).

Committee — Report — Elementary Education Provisional Order Confirmation (Hornsey)\* (104); Local Government Board's Provisional Orders Confirmation (Carnarvon, &c.)\* (105); Small Testate Estates (Scotland)\* (115); Prevention of Crimes Act Amendment\* (125).

*Third Reading*—Admiralty Jurisdiction (Ireland)\* (146); Public Health (Scotland) Provisional Order (Wemyss)\* (109); Elementary Education Provisional Orders Confirmation (Hailsham, &c.)\* (101); Jurors Qualification (Ireland)\* (140), and passed.

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#### TURKEY—DECLARATION OF WAR BY SERVIA.—QUESTION.

EARL GRANVILLE: I wish to ask the noble Earl at the head of the Foreign Office, Whether Her Majesty's Government has received any information with regard to the rumoured declaration of war on the part of Servia?

THE EARL OF DERBY: I have not received the information that a declaration of war has actually been made, nor have I heard anything that would justify me in stating, as a matter of fact, that a declaration of war on the part of Servia is certain; but from the general tenour of the reports that have reached me I have little, if any, hope that war can be averted.

#### PARLIAMENTARY AGENCY.

##### JOINT SELECT COMMITTEE.

Message from the Commons that they have appointed a Select Committee of five members to join with the Select Committee appointed by this House "to consider the expediency of making further regulations concerning the admission and practice of Parliamentary agents, and to report their opinion thereon."

Message to the Commons to propose that the Joint Committee do meet in the Chairman of Committees' Committee Room *To-morrow*, at Three o'clock.

Ordered that the Select Committee appointed by this House to join with the Select Committee appointed by the Commons have power to agree in the appointment of a chairman of such Committee.

Message from the Commons to acquaint this House that they have ordered that the Select Committee appointed by them to join with the Select Committee appointed by this House do meet the Committee of this House in the Chairman of Committees' Committee Room, *To-morrow*, at Three o'clock.

#### BANKRUPTCY BILL—(No. 106.)

(The Lord Chancellor)

Order for COMMITTEE discharged:—Bill withdrawn.

Order of the Day for the House to be put into Committee, read.

THE LORD CHANCELLOR said, that in the present state of Public Business there was no chance of the Bill being discussed in the other House of Parliament this Session. In these circumstances he should not be justified in asking their Lordships to go into a Committee of the Whole House. He there-

X

fore moved that the Order for going into Committee be discharged.

*Order discharged.*

#### CHURCH TEMPORALITIES (IRELAND).

##### MOTION FOR A RETURN.

THE EARL OF LEITRIM rose to ask the Lord President, Why there had been no Return of lands sold by the Commissioners of Church Temporalities in Ireland, in obedience to the Order of the House of Lords on the 27th of July, 1875? and to call the attention of the House to the Report of the Commissioners of Church Temporalities in Ireland for the year 1875.

THE DUKE OF RICHMOND AND GORDON regretted that there should have been any misunderstanding or mistake with regard to the Return for which his noble Friend moved in July last. The fact was that it was found to be scarcely possible to give the Return in the terms stated, and, if it had been possible, the expenditure of time and money would have been enormous. He therefore now proposed to his noble Friend that he should consent to the discharge of the Order of last Session, and should move for a Return of the information he desired to obtain in an amended and more practicable form.

THE EARL OF LEITRIM assented to the proposal.

Then there was Ordered to be laid before the House—

“(1.) Name of each purchaser of lands sold by the Commissioners of Church Temporalities in Ireland;

“(2.) Denomination of land sold, with names of the benefice, county, and barony;

“(3.) The purchase money in each case, distinguishing between the amount paid in cash and the amount secured by mortgage;

“(4.) The date of each sale;

“(5.) The amount of rent formerly paid for each holding sold;

“So far as the same can be given.”—(*The Earl of Leitrim.*)

#### GAS LIGHT AND COKE COMPANY— SOUTH METROPOLITAN GAS COMPANY.

##### MOTION FOR RETURNS.

THE EARL OF CAMPERDOWN asked for a statement of the capital of the Gaslight and Coke Company and of the South Metropolitan Gas Company, distinguishing the moneys authorized to be raised in the form of shares from the

*The Lord Chancellor*

moneys authorized to be raised by loan, and showing also the amount which had been up to the present time raised in the form of shares and of loan respectively; and for a statement of the rate per 1,000 cubic feet charged by each company in the years 1859, 1861, 1869, 1875, and 1876.

THE DUKE OF RICHMOND AND GORDON said, that the whole of the information sought by the noble Earl was contained in the accounts of each Metropolitan Gas Company, which were annually laid before Parliament under the Act of 1868. The Return should therefore be confined to the years 1859 and 1861. The accounts for the year 1875 were now in the hands of the printer, and would be laid before Parliament immediately on being received.

THE EARL OF CAMPERDOWN expressed a hope that the Returns would be laid before their Lordships before the second reading of the Gas Light and Coke Company's Bill.

House adjourned at Six o'clock,  
till To-morrow, half past  
Ten o'clock.

#### HOUSE OF COMMONS,

*Thursday, 29th June, 1876.*

MINUTES.]—NEW WRIT ISSUED—For Worcester County (Western Division), *v.* William Edward Dowdeswell, esquire, Chiltern Hundreds.

PUBLIC BILLS — Ordered — *First Reading*—Isle of Man (Officers)\* [216]; Linnen and Hempen and other Manufactures (Ireland)\* [216].

*First Reading* — Trade Marks Registration Amendment\* [217].

*Second Reading*—Land Tenure (Ireland) [16], *put off*; Elver Fishing\* [162].

*Committee—Report*—Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.)\* [195]; Oyster and Mussel Fisheries Order Confirmation\* [196]; Medical Practitioners\* [81].

*Third Reading*—Crab and Lobster Fisheries (Norfolk)\* [109], and *passed*.

*Withdrawn*—Sale of Intoxicating Liquors on Sunday\* [57].

ST. STEPHEN'S GREEN, DUBLIN.

##### QUESTION.

Mr. M. BROOKS asked the Financial Secretary to the Treasury, If it is true that the Government undertook to re-

commend to Parliament to grant an annual sum for the maintenance of St. Stephen's Green, Dublin, as a people's park; whether they have communicated to the Lord Mayor and Corporation of the said city the conditions upon which the Government would adopt such a course (if its adoption was to be conditional); and, whether he will lay upon the Table of the House Copies of all Correspondence and documents relating to this subject?

**MR. W. H. SMITH:** It is true that the Government undertook to recommend to Parliament the grant of an annual sum for the maintenance of St. Stephen's Green, Dublin, as a people's park. They did so under the following circumstances:—Early last spring the Colleague of the hon. Member (Sir Arthur Guinness) entered into negotiations with the Commissioners of the Green and the Town Council, which resulted in the very handsome offer on his part to pay off a debenture debt of about £2,200 on the Green, and expend £3,000 (afterwards increased to £5,000) on improvements, provided the Commissioners would surrender their exclusive rights in favour of the public. The Corporation, on its part, by a resolution of the 12th of May, agreed to forego the yearly rent of £276 which it is entitled to receive from the Commissioners; and, further, to contribute a moiety of the yearly expense of maintaining the grounds as a park, provided such moiety should not exceed £600 per annum. Thereupon the Government undertook to place the Green under the charge of the Board of Works, and to ask Parliament to vote annually the remaining moiety of the cost of maintenance. A Bill has been prepared to give effect to this arrangement; but I regret to say that I now learn that the Town Council of Dublin are desirous of receding from their share in the agreement, and in that case I fear that the people of that city will be deprived of a much-needed improvement offered them by the liberality of their senior Member. I apprehend that there will be no objection to produce the correspondence, but I should like to examine it first.

**POOR LAW — DEPORTATION OF  
FEMALE PAUPERS.—QUESTION.**

**MR. O'SHAUGHNESSY** asked the President of the Local Government

Board, if his attention has been called to the deportation from Nottingham Union to Limerick Union of two female pauper lunatics in May of this year; if so, whether the evidence connected with their past residence in Nottingham seems to his Board to have warranted their deportation; whether it is not in accordance with the custom of the department that a female official should accompany such paupers on deportation, and whether this principle has not on this occasion been violated, the female paupers in question being accompanied on the journey from Dublin to Limerick at night by a male official only; whether a Mr. Nugent, a ratepayer of Nottingham, has not by letter complained to the Nottingham Board of Guardians that, on calling at the Nottingham Workhouse to inquire into the case, he was assaulted by one of the officials of the union; and, whether the Local Government Board has undertaken, or will undertake, an inquiry into the circumstances?

**MR. SCLATER-BOOTH,** in reply, said, his attention had been called to the case, and he had been in communication with the Nottingham Guardians on the subject. Yesterday he saw the Chairman of the Board and the clerk, who had come to town, and who furnished him with the depositions taken by the magistrates, and gave him other information as to the facts of the case. As far as he was able to judge, the removal of the two women seemed to him to have been entirely in accordance with the law. There was no regulation as to the necessity of a female accompanying paupers under such circumstances. They were required by law to be properly attended and accompanied. As a matter of fact, a skilled female nurse did accompany the two female paupers in question during the night passage from Holyhead to Dublin, and only during the three hours' journey from Dublin to Limerick were they left in the company of a male attendant. It was true that Mr. Nugent had complained to the Nottingham Board of Guardians that he was assaulted by the porter of the establishment; but it was understood the assault would be made the subject of an investigation before the magistrates, and until it was concluded the Guardians did not think that it was proper to interfere in the case.



NATIONAL BOARD OF EDUCATION  
(IRELAND)—INSPECTORS REPORTS.

QUESTION.

MR. MELDON asked the Chief Secretary for Ireland, If he would explain to the House why it is that contrary to the practice heretofore adopted, the Reports of the Head and District Inspectors of Irish National Schools are omitted from the Appendix to the Report of the National Board of Education; and whether for the future these Reports will be included; whether there is any objection to grant, as an unopposed Return, the omitted Reports; what was the cause of the Appendix to the 41st Report of the National Board of Education having been delayed more than six months; and, whether steps will be taken in future to secure the publication of the appendix within a reasonable time after the presentation of the Report?

SIR MICHAEL HICKS-BEACH: The annual Reports of the National Board of Education have become quite overloaded with appendices, one result being the annual production of a very large volume, at considerable public expense, containing much information not of very general interest; and another being, either that the publication of the Report itself was delayed, in order that the appendices might be published with it, or that the appendix, as in this instance, was not published until some time after the Report to which it related. Under these circumstances a Departmental Committee of Inquiry, appointed under the late Government, recommended that the Reports of the Head District Inspectors, which extended over more than 200 pages, should be presented to Parliament in future only triennially or quinquennially, instead of with each annual Report; and after some correspondence between the National Board of Education and the Government, to which is mainly due the special delay in the publication of the appendix to the 41st Report, this course was adopted for the future. If any special reason could be alleged for the publication of these Reports for this year, I would consider whether they could be given in the shape of a Return; but I have heard of none at present.

CUBA—CHINESE COOLIES.—QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether the statements made in a Report of the Commission sent by China to ascertain the condition of Chinese Coolies in Cuba are confirmed by Her Majesty's Consuls; and, whether, in that case, Her Majesty's Government intend to remonstrate with the Spanish Government on the cruelties brought to light in this Report?

MR. BOURKE, in reply, said, that two years and a-half ago the Chinese Government suddenly put a stop to the exportation of Coolies to Cuba, owing to reports of great cruelties having been inflicted upon the Coolies, both before they left China, during their passage, and after they arrived in Cuba. Under these circumstances, Her Majesty's Minister in China suggested to the Chinese Government that the most desirable course would be to issue a Commission and send it to Cuba to inquire into the condition of the Coolies. That Commission was sent, and it was composed of three officers—one a Chinese, one an Englishman, and the other a Frenchman—and Her Majesty's Consul at Havana was directed to give the Commission all the assistance in his power. The Commission arrived in 1874, they spent some months in Cuba, and returned to China about this time last year. They subsequently drew up a Report, and presented it to the Chinese Government. As the Report was in Chinese Sir Thomas Wade had directed it to be translated, and it had not yet reached Her Majesty's Government officially. But privately a copy did reach the Foreign Office the day before yesterday. He had read a portion of it, and he must say that he never read a more painful report in his life; indeed, the word "painful" did not express at all the intensity of his feeling on the subject. He had received a despatch a short time ago from our Consul in Havana, and, though it did not come up to the statements in the Chinese report, in many particulars it corroborated the Chinese report. The hon. Member for Chelsea asked if the Government intended to remonstrate with the Spanish Government. The Government had not taken the matter into consideration, for

this reason—that the Report of the Commission had not yet been received from Sir Thomas Wade, and that the question did not affect Her Majesty's Government, but the conduct of a European Power in regard to subjects belonging to an Eastern Potentate. It was therefore no part of the duty of the Government to remonstrate; but the subject had assumed such serious magnitude that the whole thing would be taken into consideration by Her Majesty's Government when they received the Report.

#### METROPOLIS—INDIAN MUSEUM.

##### QUESTIONS.

MR. FAWCETT asked the Under Secretary of State for India, Whether, before any charge is thrown upon the revenues of India for the erection and maintenance of an Indian Museum in London, the House will be afforded an opportunity of considering whether it is just to make the people of India contribute to the expense of erecting and maintaining such a Museum?

LORD GEORGE HAMILTON, in reply, said, that at present no definite proposals were before the Secretary of State for India as to the erection and maintenance of an Indian Museum in London, and therefore the Question of the hon. Gentleman was, to a great extent, hypothetical. He might add that the Secretary of State would not give his sanction to any scheme by which the whole cost of erecting and maintaining such a Museum would be thrown on the Indian revenue. It would only be in the event of some arrangement being made by which that cost would be shared between the Imperial and Indian exchequers that the Secretary of State would sanction any disbursement on that account from the Indian revenues. In such a contingency a Vote would have to be taken in this House, and the hon. Gentleman would have full opportunity of expressing his opinion upon the whole subject.

MR. FAWCETT wished to know whether, if the Secretary of State entered into any arrangement by which part of the cost was thrown on the Indian revenues, the House would be afforded an opportunity of discussing the expediency of that arrangement?

LORD GEORGE HAMILTON said, the procedure under which money from

the Indian revenues could alone be voted was laid down in the Act of Parliament, from which the Secretary of State alone derived his powers, and he saw no reason why in this particular case there should be any departure from the practice of the past 18 years.

MR. FAWCETT gave Notice that on the earliest opportunity he would move—

"That, in the opinion of this House, it is unjust to make the people of India contribute wholly or partially to the erection or maintenance of an Indian Museum in England."

#### METROPOLIS—THE NATIONAL GALLERY—THE TURNER PICTURES.

##### QUESTION.

LORD FRANCIS HERVEY asked the First Commissioner of Works, Whether it is not the case that a large number of pictures by J. M. W. Turner are stowed away in cases on the basement or ground floor of the National Gallery; whether these pictures were not bequeathed by the painter to the nation on condition that they should be exposed to public view; whether, practically, the public have ever enjoyed access to them; and, whether any steps will be taken now that the Gallery is enlarged to render these pictures accessible to the public?

LORD HENRY LENNOX: I presume my noble Friend alludes not to the pictures—for there are no pictures of Mr. Turner which are stowed away in the manner he speaks of—but to a certain collection of important water-colour drawings, which for some years were shown in the full light; but, at the request of Mr. Ruskin, they were framed and glazed, and placed in the position they now occupy, where they can be seen by any one who will apply to the director or secretary of the National Gallery. It is to be hoped that later on some position may be found wherein they might be shown with more facility to the public than at present, without endangering them to exposure to the full light.

#### ARMY MOBILISATION—THE RESERVE.

##### QUESTIONS.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether it is the fact that the number of men of

the Army Reserve whom it is proposed to call out at the forthcoming mobilisation of the Army Corps has already been reduced from 5,800 (the number originally proposed to be called out) to less than 3,600; and, whether this has been done in consequence of difficulties raised by the employers of these men as to turning them off if so called out; and, if so, whether he will take steps to reassure those employers of labour, by notifying to them, by circular or otherwise, that the men will be called out for seven days only?

MR. GATHORNE HARDY: The number of 5,800 was taken from the Quarterly Return of January last. Since then a considerable number of men have been discharged from the Reserve, while all those who have joined the Army Reserve this year have been excused from this year's training. The number also included soldiers belonging to Cavalry, Artillery, and Engineers, none of whom have been called out this year. Some exemptions have been granted also on grounds of public service. In the few instances when objections have been made by railway companies and other employers, letters have been addressed to them expressing the Secretary of State's hope that the short period of training may not be allowed to injure the men concerned; and the answers that have been received have been satisfactory.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether in the forthcoming mobilisation of the Second and Fifth Army Corps it is intended to assemble the entire strength of those corps, or of either of them, at one place before the conclusion of the mobilisation, so as to give an opportunity of ascertaining to what extent their strength in numbers and their condition as to service equipment has been brought up to what would be required in actual war?

MR. GATHORNE HARDY: It is intended that the Returns of the actual strength of each Army Corps as it stands on the 17th of July shall be forwarded to headquarters. The deficiencies will also be shown. The Second Army Corps will be assembled at Aldershot on or about the 22nd of July; but the Reserve men will not then be present, as they will only be called out for seven days.

*Sir Henry Havelock*

#### INDIAN COVENANTED CIVIL SERVICE QUESTION.

MR. LOWE asked the Under Secretary of State for India, What steps the Government have taken to remedy the block of promotion now existing in the Indian Covenanted Civil Service?

LORD GEORGE HAMILTON, in reply, said, that shortly after the Motion of the right hon. Gentleman on this subject last Session a despatch was sent to India calling the attention of the Indian Government to the facts which the right hon. Gentleman then stated. The Government appointed a Select Committee to inquire into the block of promotion existing in the North-West Provinces. A very elaborate Report, containing important suggestions, was made by that Committee, and received by the India Office in April. The question was one of some difficulty, because whatever might now be done would undoubtedly form a precedent for the future, and so affect the whole promotion and retirement of the Indian Civil Service. Certain proposals had been for some time under the consideration of the Secretary of State, and had been embodied in a despatch, which was now awaiting the sanction of the Council, and he hoped that in the course of 10 days at the latest the despatch would be forwarded to India.

MR. LOWE: Has the noble Lord any objection to lay the despatch of which he spoke on the Table?

LORD GEORGE HAMILTON: No.

#### INDIA—DEBTS OF THE EX-KING OF OUDE.—QUESTION.

MR. W. MARTIN (for Mr. WANDR) asked the Under Secretary of State for India, Whether he will lay upon the Table of the House the Papers relating to the debts of the ex-King of Oudh, as far as respects the claims of the heirs of the late Sudfar Ally Khan, and to the passing of Act 13 of 1868 by the Legislative Council of India; and to any decision on the claim of such heirs by the Governor General of India in Council and Secretary of State for India in Council?

LORD GEORGE HAMILTON, in reply, said, there was no objection to the production of the Papers except the expense of printing them, as they were

very bulky. If the hon. and learned Gentleman who had given Notice of the Question would see him on the subject he thought he should be able to satisfy him that there was no need to publish the Papers unless he was prepared to found a practical Motion upon them.

PARLIAMENT—ARRANGEMENT OF  
PUBLIC BUSINESS.—QUESTIONS.

MR. W. E. FORSTER wished to put a Question to the First Lord of the Treasury with regard to the course of Public Business. It was the impression of many Members that the Education Bill would be taken as the first Order of the Day on Monday, but he now observed that the Prisons Bill was put down as the first Order. It would be convenient to the House if the right hon. Gentleman could state positively whether the Elementary Education Bill would be taken on Monday next?

MR. SERJEANT SIMON wished to know what arrangement it was proposed to make with regard to the Appellate Jurisdiction Bill, which he understood was fixed for a Morning Sitting to-morrow?

MR. J. G. HUBBARD also asked when it was proposed to take the Crossed Cheques and Valuation Bills?

MR. DISRAELI: With respect to the Question of the hon. and learned Serjeant, I have to say that it is not the intention of the Government to ask for a Morning Sitting to-morrow, and I thought that that was pretty well understood. Therefore, we could not deal with the Appellate Jurisdiction Bill to-morrow. But I propose on Monday, the 10th, as the first Order of the Day, to proceed with the Education Bill, and from that time *de die in diem* until it is passed. I quite agree with my right hon. Friend the Member for the City of London (Mr. Hubbard) that the Crossed Cheques Bill and the Valuation Bill, to which he alluded, relate to subjects which are very interesting; but it is quite out of my power at present to make any arrangement with regard to them.

In reply to Mr. NEWDEGATE,

MR. DISRAELI said, it was the intention of the Government to proceed with the Prisons Bill as the first Order of the Day on Monday next.

In reply to Mr. MORGAN LLOYD,

MR. DISRAELI said, it was proposed to proceed with the Appellate Jurisdiction Bill on Tuesday, after the Public Works Loans Bill.

GENERAL SIR GEORGE BALFOUR asked whether there was the slightest chance of any of the five Scotch Bills on the Paper being brought on that night?

MR. W. H. SMITH feared there was no chance whatever of their being reached.

ARMY—THE VOLUNTEER REVIEW IN  
HYDE PARK.

QUESTION. OBSERVATIONS.

LORD ELCHO said, he wished to put a Question to the First Commissioner of Works, and as it was one in which the public took an interest, he hoped that he might be allowed a little latitude in doing so. The Question he desired to put had reference to the Volunteer Review, and related to a matter which materially affected the convenience and comfort not only of Members of Parliament, but of their families and of the public generally. As he understood, there were to be no stands, but there were to be a certain number of separate inclosures, into which Members and their families would be turned as into so many pens. It would be impossible that ladies could stand for two or three hours during the march past. He could not help thinking that it would be a great convenience if a certain number of chairs were allowed to be placed in the inclosure. Again, if people on horseback were allowed to stand behind the inclosures they would see a great deal better; and with regard to the public, although the alignment would be nearly altogether occupied by persons who held tickets, still, if they were admitted to the flanks of the alignment, he thought their convenience would be much better provided for than under the present arrangement.

LORD HENRY LENNOX: In answer to the Question of my noble Friend, I have to say that after conferring with His Royal Highness the Ranger of the Park, I am happy to be able to state that I have made arrangements whereby the whole of the front row of the inclosure, from one end to the other, shall be furnished with four rows of seats, which will enable the ladies to sit in front, and

theory account for the existence of tenant-right on his Ulster property, and not on his lands elsewhere? The custom has, for many generations, prevailed throughout the Northern Province, and (roughly speaking) nowhere else; and its explanation and justification, as it seems to me, are, to a great extent at least, to be found in the peculiar circumstances and history of Ulster. The Province is now so cultivated and prosperous that it needs an effort to realize its condition some two centuries and a-half ago, when colonized chiefly by Scottish settlers under the Plantation of James I. At that time not only Leinster (as having been so long the Province of the English Pale), but also Munster was, in comparison with Ulster (as Sir John Davis tells us), "well inhabited and cultivated."

"Munster," he writes to Cecil, "has three ancient and well-built cities, besides divers towns, not inferior to the better sort of market towns in England; whereas Ulster is a very desert or wilderness, the inhabitants thereof for the most part having no certain habitations in any towns or villages, and never indeed building any houses, or making any gardens or orchards."

"Again," he says—

"Munster was divided into shires 300 years ago—an argument that our law hath as long been current there—but on the other part Ulster hath ever been such an outlaw as that the king's writ did never run there, until within these few years it was cut into several counties by Sir John Perrott—and no justice of assize ever visited the Province before the beginning of His Majesty's reign."

So, too, Sir Arthur Chichester describes Ulster to Cecil as "inaccessible to strangers as China;" and in 1610, when the Plantation Commissioners were going down to divide the escheated counties into lots for the "adventurers," he says he fears they will be unable to endure the hardships that await them in a region "where no houses or other shelter can be had, but such tents as they may carry with them." Ulster, to quote the words of another contemporary writer, Camden, whom the right hon. Gentleman opposite has taught us all to recognize as an authority even on higher matters than the title of Ulster farmers to their tenant-right, was at that time a country "interspersed with many very large lakes, and shaded with immense forests." Why, Sir, a noble Lord who has contributed much to the

literature of the Irish Land Question, tells us that according to the tradition of his family, when they settled in the County Down, a squirrel could go from one end of the estate to the other without once touching the ground. But we have further evidence bearing on this point. Even at a later date, when another series of adventurers were advancing money to the Government of the day to assist in stamping out what remained of the Rebellion of 1641, the rated value of 1,000 acres of land in each of the four Provinces of Ireland was as follows:—Leinster, £600; Munster, £450; Connaught, £300; and Ulster only £200—that is to say, nearly half a century after the plantation, land in Ulster was worth only one-third of land in Leinster, less than half as valuable as land in Munster, and not within one-third of the value even of land in Connaught. The Province then, Sir, being by far the wildest and most unreclaimed part of Ireland, the escheated counties were divided into small lots to suit adventurers of very moderate means. Putting aside the county of Londonderry, which we all know was separately treated, the maximum extent of any grant was 2,000 acres, whilst the greater number were of 1,000 or 1,500 acres, representing, at most, values of £200 or £300. Now, these small adventurers were bound by the terms of their patents to bring over settlers from England or the lowlands of Scotland, to give them land for definite estates and at fixed rents, and to see that they were properly armed and ready to attend the general "hostings" of the Province. Well, they brought the settlers over—chiefly from Scotland—and let them do the best they could with the "wilderness or desert" (to use Sir John Davis's language) on which they planted them. The patentees did not undertake, probably had not the means, to reclaim the wastes, and place their tenants in suitable farms and farm-houses. This was all done by the humble settlers for themselves. It was they whose labour and industry gradually changed the face of Ulster; who built the farm-houses, cleared the forests, and reclaimed the wastes; making the Province now the richest and best cultivated, instead of, as once, the very poorest and wildest part of Ireland. And, Sir, recollecting this, and also bearing in mind in how many ways these settlers were identified in in-

terests with their landlords; and further, that they were the only armed force that existed in the country, or could be relied on for protection in case of need—for hon. Members will recollect that we had no Royal Irish Constabulary or even standing Army then—it is not, I think, very difficult to see how this tenant-right arose, and grew, and finally became established throughout all Ulster, based, as it was originally, on principles of natural right and justice. It was not the result of negligence on the part of the Ulster landlords. It was not even the result of their generosity merely—though I do most cordially, aye and with pride, admit that recognizing the righteous origin of the claim, and feeling bound by it as the authoritative tradition of their Province, the Ulster landlords did, without legal compulsion, universally acknowledge it, and until of late years never thought of trying to undermine or restrict it. It was, then, Sir, no “confiscation” when the Legislature, in 1870, gave this Ulster usage of tenant-right the force of law; and it would be no more “confiscation” now if it gave the Ulster tenant all reasonable facilities for obtaining the benefit of this ancient and now legalized custom.

Next, Sir, let me refer briefly to some provisions of the second part of the Bill. I find there a clause proposing that no merely new letting of a farm shall be considered a break in the continuity of the tenant's title, so as to forfeit his right to compensation for improvements. This, I apprehend, is proposed to remedy what I am sure most hon. Members will admit is a hardship arising out of the construction put upon the Land Act. Thus, if a tenant holding by lease has erected valuable buildings, and on the expiration of the lease comes to take the farm anew, either with or without alteration of its extent, it would, I think, be only fair to assume, in the absence of any evidence to the contrary, that his right to payment for his buildings remains unaffected; though, on the other hand, it is equally just to provide, as my hon. and learned Friend proposes, that if the new contract of tenancy expressly negatives the right to compensation, or if it can be shown that the improvements were taken into account in settling the amount of rent, or were otherwise in substance

paid for, the right to compensation shall be regarded as extinguished. Again, by another clause it is proposed that tenants evicted by title paramount shall be entitled to payment for their improvements just as if evicted by the person from whom they took the land; and this too, I think, cannot be deemed a very unreasonable suggestion. Proposals such as these proceed on the principle of better carrying out the main provisions of the Land Act, and, as such, would, I think, well deserve the attention of the House. So much, then, for the first and second parts of the Bill, which, however, I must add, contain, along with these reasonable provisions, some others of a more questionable character, and even some which, I frankly say, I do not think could be accepted by this House.

But now, Sir, turning to the rest of the Bill of my hon. and learned Friend, we find a totally new departure. Here, Sir, is no amendment of the Land Act, but a proposal that every occupying tenant of land in Ireland shall be enabled to obtain from the Chairman a declaration of tenancy which shall make him and his successors for ever absolutely irremovable from his farm, save for non-payment of a rent to be assessed from time to time by neighbouring farmers with similar interests, and, of course, similar prejudices. I know it is declared that the estate thus to be conferred on the tenant shall be a tenancy “from year to year.” But, Sir, this is only our technical jargon. We can none of us enjoy property but from year to year, aye, from day to day, or even hour to hour. By the rules alike of common law and common sense the perpetual right to the profits of the land is the fee-simple of the land. The property must be in some one; and if we were to secure the possession of the land, and the enjoyment of its profits to the tenant and his successors for ever, subject only to a rent, we should, in effect, no matter how we try to disguise it, transfer the property of the farm to him, and change the present landowner into a mere rentcharger. I may observe, too, that this Bill does not provide, as used to be suggested by my hon. and learned Friend and others in similar proposals, that persistently bad cultivation, or sub-letting, or sub-division, without the consent of the so-called land-

lord, shall involve a forfeiture of the holding. Take sub-letting, for instance, or sub-division. The landlord is in such cases to be permitted now to sue for damages merely; and supposing him to succeed in satisfying a probably not very willing jury that there has been such sub-letting or sub-division as he complains of, why he must just be satisfied with so much compensation as they may think fit to award him. It is, however, provided that neither letting the land in con-acre, nor for grazing or meadowing, nor even letting part of the dwelling-house, shall amount to a breach of this nominal obligation; and recollecting how sub-division commonly arises in Ireland—sons marrying, but continuing to live under their father's roof, and farming jointly with him—it is easy to see what facilities are thus provided for indefinite sub-letting and sub-division of the land. Why, Sir, the evidence given before the Committee of this House, in 1865, showed that, in the words of one of the witnesses, "the advantage taken of long leases was usually that of sub-letting, which the tenants did in spite of all the landlord could do." Take, as an example, Lord Palmerston's case. He had demised a farm of 250 acres; but when the lease expired he found it cut up into such miserable patches that there were actually 135 tenants on one townland containing 200 acres! Can we wonder that natural laws thus disregarded at last avenged themselves? or need I say that, when the year of famine came, the kindly landlord had to spend more than three years' income in keeping the wretched people alive? Well, Sir, if landlords found themselves powerless to check this perilous practice of sub-division, though forbidden by their leases—aye, and by statute too—and technically entitling them to evict the tenant, what prospect would there be under the new *regime* of my hon. and learned Friend, of the landlord being able, in the very smallest degree, to check this fatal tendency, the only power left him being to bring actions for damages against the tenants? Nay, Sir, why after all should he trouble himself to make the attempt? Reduced by the State to the position of a mere rent-charger, he might not unfairly ask the State, at least to guarantee his rent-charges, and let the State see after its new proprietary, and save them from the consequence of indefinite morselling

of the land, if it could. But the Bill proposing practically to give to every agricultural "occupier as such" the perpetuity of his holding, it further provides that every contract that would interfere with that paramount object shall be absolutely void. Now, the result must therefore be that even the favoured occupier, who thus gets the perpetual interest, cannot, under pressure of ill-health or other necessity, nor if he dies leaving infant children, can his family make any letting of the farm (even with the rent-charger's consent) to any other person, without thereby enabling this new occupier in turn to appropriate the perpetuity of the land, and convert the last owner also into a subordinate rent-charger. Only imagine the confusion and entanglement of titles into which we should thus be inevitably plunged—not to speak of the fearful dangers to which indefinite sub-letting and sub-division of the land would again expose the country. We have, with difficulty and after much suffering, just now emerged from such a sea of troubles; and I own I have too painful a recollection of the past to be willing to join in a scheme that I believe would be calculated to reproduce the like misery. But let us realize the effect of this measure from another point of view. There are in Ireland, it is said, nearly 600,000 agricultural holdings. Of these about one-half—that is, 300,000—consist of less than 15 acres, and 120,000 of them contain less than five acres. Now, Sir, in all the proposals that were formerly made for "rooting the Irish tenant in the soil," there was always a minimum of acreage below which it was said to be unwise to go. Fifteen acres was admitted to be the lowest point, and even this to depend on the land being good. Such was the opinion expressed to Mr. Maguire's Committee in 1865 by Mr. J. B. Dillon, then a Member of this House, and the trusted champion of the Irish tenant; and I see that even my hon. and learned Friend the Member for Mallow, before the Lords' Committee of 1867, when suggesting that every Irish tenant should have, not a perpetuity, but a 60 years' lease at a fair rent, excepted from his proposal the small occupiers. Now, in speaking thus I do not mean to make any dogmatic assertion upon the vexed question of large or small farms or properties. What I do object to is a law which

compulsorily settles the question one way or the other. I strongly object to laws which seek to favour big estates, and I equally object to laws which would force small ones on us. What I desire is that things be left absolutely free to find their natural level, because I have no manner of doubt that thus the best solution of the question will be arrived at. Perhaps, however, I may be permitted to suggest that, at a time when very competent authorities tell us that in agriculture no success is, in the long run, possible without mechanical appliances, it would be a rather dangerous experiment to establish, by force of law, a system which, so far as it is operative, must keep the agriculture of the country entirely in the hands of those who cannot obtain help of this expensive kind; and which must, in short, practically divorce capital altogether from the cultivation of the soil. My hon. and learned Friend, in the Preamble of his Bill, refers to the existing law as a "hindrance of agriculture." Well, Sir, I will not adopt as my own the forcible language of Philocele, a well-known Irish writer, in reference to "fixity of tenure," which, he said, would "smite Ireland as with a curse;" but I do very much fear that under the stereotyped, perhaps I might even say paralyzing system, that these proposals would fix upon us, the last state of poor Ireland, would, in respect of agriculture at least, be worse than the first.

But, Sir, there are still other ways in which we may regard this proposal. I cannot but believe that the landlords now converted into rent-chargers—with little interest in what were once their estates—would cease to live on them. They would, I presume, disappear from the country, and become absentees and loungers here and in other great cities. This, Sir, I think will hardly be deemed desirable even by the followers of my hon. and learned Friend. Absenteeism used formerly to be the *bête noir* of Irish politicians—and yet a measure is now calmly proposed which would tend to make every country gentleman in Ireland quit its shores, and leave his estate and its occupant-owners to shift for themselves. Sir, I believe there is no country in Europe in which a resident gentry is more to be desired than in Ireland, and for this reason also I regard these proposals of my hon. and learned

Friend as unsuitable and unwise. But let us consider for a moment the justice of the measure. The landlord is to be practically expropriated, and given in return for his ownership of the land, a rent measured by arbitrators or by a jury—by arbitrators who, according to the Bill, must be practical farmers of the district, or by jurors who, as a matter of fact, will be substantially of that class—that is to say (speaking roughly), the landlords of Ireland are to get for what is now their land, whatever amount of rent the tenants of Ireland think fit to give them. But, this which, let me say, Sir, is no mere matter of detail, as my hon. and learned Friend would represent it, but is really the most important part of his scheme, the central principle of his measure, has been sufficiently criticised already, and by none more acutely than by my hon. Friend the Member for Roscommon (The O'Connor Don) when he pithily asked his farming constituents how they would like to have the price of their fat cattle fixed by a committee of butchers. Again, Sir, this measure would be unjust not only to the landlords, but also, as has been pointed out already, to all other classes in Ireland that desire to take land. Consider the farm labourers. They are in number nearly equal to the farmers, and we know their very proper ambition is to become farmers themselves. Or, take again the small shopkeepers, and many others on the look out for farms. What have all these people done that they are to be debarred by law from getting what they want and are willing honestly to pay for? My hon. and learned Friend complains that "outsiders" are, in many instances, ready to bribe the landlord to evict the present tenants, offering to repay him all that may be awarded for disturbance or improvements, and to take the land themselves on higher terms. Well, supposing such cases to be common, what do they prove? Simply that there is a keen competition for farms, and this my hon. and learned Friend would seek to check by force of law! I own I thought legal attempts of this kind had long ago been wholly abandoned as alike impolitic and futile. Why should all these "outsiders" be forbidden to become farmers? Nay, is it not plain as light that in the end those who are ready to pay the highest price will get



land as well as anything else. *Naturam expelles furca tamen usque recurret.* Things will thus adjust themselves as surely as water rises to its natural level; and the only difference will be that the increased value will have been transferred from the present landowner to his more fortunate tenant. I have not yet, Sir, heard any sufficient reason advanced for entering on this legislative enterprize, nor can I myself discern any; though I think I do see that such an attempt would be unjust to the landlords as well as other classes of the community, and would also prove a real "hindrance" not only to the agricultural but also to the general improvement of the country. But, Sir, it is needless to criticise these proposals further. Such proposals have been made before. They were made during the discussions that preceded the introduction of the Irish Land Bill in 1870. They were referred to and examined in the luminous speech of my right hon. Friend the Member for Greenwich when he introduced that measure. He there showed the injustice and the impolicy of any such virtual transfer of property as must be involved in the compulsory establishment of "fixity of tenure," and for himself and the Liberal Party which he led pronounced emphatically against it. Instead of disturbing and unsettling the foundations of property, my right hon. Friend and those who acted with him carried through Parliament the Irish Land Act, the substantial effect of which I have already stated—a measure which I do not say is absolutely perfect—none of us here pretend to be infallible, or to have foreseen, much less succeeded in providing for, all the difficulties that ingenious minds, sharpened by hostility, might create to obstruct the application of the Act—but a measure which was at least honestly designed to give, and which, so far as it has been loyally accepted and fairly carried out, has, I believe, given real security to the Irish tenant. For I contend, Sir, that the capricious eviction of which we have heard so much has been almost practically stopped in Ireland by the penalties which the Land Act imposes for any such unreasonable exercise of proprietary rights. If we refer to the last Irish judicial statistics, and look at the Return of civil bill ejectments carried out to actual eviction, we shall see that

putting aside—as we must do for this purpose—cases of non-payment of rent, there were in 1874 ejectments for all other causes executed by the sheriff just 453, being, according to the same authority, less than nine for every 10,000 holdings exceeding an acre in extent—that is, less than one in every 1,100 such holdings; whilst if, as we ought to do, we include in the comparison all agricultural holdings of every size, we find that the evictions in 1874 for all causes other than non-payment of rent were about one in every 1,800 holdings. But even this proportion must be further reduced. The Returns do not distinguish whether these ejectments are by landlords against tenants; or, as constantly happens, and now more than ever, by one member of the family against another, to assert his right to the farm; by the purchaser under a sheriff's sale of the tenant's now valuable interest; or by other claimants. We cannot, therefore, I think, in fairness, assume the proportion of evictions by landlords, for other causes than non-payment of rent, to be higher than one in every 2,000 holdings. Putting it in another way, and, for the reason I have mentioned, reducing the number of these evictions from the gross 453 to 300, as representing cases of landlord and tenant, we get 300 as the number in 1874 for all Ireland; and taking the number of landowners as just returned to us to be about 30,000, showing an eviction by only one landlord out of every 100 in the course of the twelvemonth. Again, I find in the same volume that there were decrees made in land claims for compensation to tenants in 222 cases, and for sums amounting in all to nearly £20,000, being an average of £87 all round. Now, I think, in the first place, we may fairly assume that as to the balance of the number of evictions, they must have been either cases not between landlord and tenant at all, or, at all events, cases in which the tenant had no just cause of complaint. For we cannot shut our eyes to the fact that, as there may be bad landlords so there may be bad tenants, whom it is the interest of the country to have replaced by better and more industrious men; and, for the rest, I own it seems to me that an average fine of £87 is such a smart duty on the transaction as to amount to a virtual prohibition of, or at

least a very substantial protection against, capricious or unjust eviction. It is also, Sir, somewhat remarkable that by far the largest number of land cases arise in Ulster. Thus, they were in 1874, in that Province, 39 for every 10,000 holdings above an acre; whilst in Leinster they were only 6; in Connaught 5; and in Munster just 4 in every 10,000 of such holdings—a result which I submit would rather tend to show that the Land Act has been even a greater success in the other Provinces than in Ulster. I may add, that in dealing with these statistics I have not based any of my calculations on the figures given us in the speech of the right hon. Baronet the Chief Secretary for Ireland, on the first day of this debate. If these are to be relied on, the results would be still more striking than those I have just stated. He says he finds that in 1875 there were in Ireland only 686 evictions altogether; of which two-thirds must be deducted for non-payment of rent, leaving only some 228 for all other causes, or about 150 by landlords—that is to say, one in every 4,000 holdings, or an eviction by one landlord out of every 200 for the year. I confess, however, Sir, that I am not satisfied that the figures with which the right hon. Baronet has been supplied are correct; and, therefore, I prefer to rest on the published statistics, which have not yet gone beyond 1874, and are, I think, sufficiently significant for our purpose. On the whole, then, with this evidence before me, proving, as it seems to me, the almost virtual cessation of capricious eviction which alone has been relied on in argument as the justification of the proposal, I must repeat that I decline to vote for the transfer of the property in the soil from the landlord to the tenants of Ireland—first, because I believe such a measure would be unjust; next, because I believe it would impede agricultural improvement, instead of promoting it; and, finally, because I believe it would in many other ways check all progress in the country. And here I would venture to remind my hon. and learned Friend, and those who think with him in this matter, whether in this House or outside, of the wise words of the Bishop of Cloyne before the Committee of 1865, when he more than once expressed his deep regret that what he called “exaggerated claims” had been put forward

by some for “fixity” of tenure, as distinguished from “security;” because he believed that such claims prejudiced the case of the Irish tenantry, and prevented the redress of real grievances. But, Sir, “fixity of tenure” being now once more put forward as desirable, if not necessary, for the interests of Ireland, and my hon. and learned Friend having embodied the proposal in a Bill, enabling us more clearly to see how such a system would practically be carried out, and in some measure to realize its effects, it becomes the duty of us who differ from my hon. and learned Friend, frankly to state our views. Well, this I have endeavoured to do, and whilst I have very freely criticized his proposals as the course most respectful to one of his great abilities and experience, I venture to express a hope that I have, at the same time, done so inoffensively, and I shall now only add that if my views or arguments are mistaken or unsound, I trust they will be corrected.

However, Sir, it may be asked, Is there nothing to be done to improve the conditions of land tenure in Ireland? My answer is, Yes there is much that may, and in my opinion ought to be done, and that speedily. First, I would say, provide for the Irish tenant a suitable local Court, in which he may obtain all necessary protection for his interests, instead of having, as now, no means of relief, save by the costly process of a suit in Chancery. Pass a measure giving the like equitable jurisdiction to the Irish County Courts, as was long since done in England. Reduce the number of Chairmen if you will, but furnish each with a Registrar, or such other assistant as will really enable him to do the business that awaits him. You pay 499 County Court Registrars in England, and possibly you might afford to pay some 20 or 30 in Ireland. Again, if defects have been discovered in the Land Act of 1870, which, it will be remembered, had, like other measures, to undergo much unfriendly handling in “another place,” and some even in this House, or if professional ingenuity has since succeeded in inducing the tribunals to create obstructions to its fair operation, let all such difficulties be removed by an amending Act. Finally, instead of forging new fetters for the land, in addition to what have been provided by the wisdom

of our feudal ancestors, make the land of Ireland as free as you possibly can. We have abundant capital there ready for investment in the soil. Millions lie this moment in the various banks, on deposit at low interest, which the owners would gladly lay out in purchasing the fee-simple of the land. There are, too, landowners who would be willing enough to sell, but who, owing to "the complexity, delay, and expense which at present surrounds all dealings with real property," fear to make the attempt. Such a condition of things was pronounced in Her Majesty's most gracious Speech, two years ago, to be "a disgrace" to England, and an Act has since been passed with the object of taking away the reproach. I would again ask the Government, as I did in 1874, to give us a similar measure for Ireland. Let us, too, have an Act for the registration of titles and facilitation of the transfer of land. Every condition exists in Ireland to invite such a measure. We have a land tribunal to work it, we have a cadastral survey to form its basis, and we have, as I have just said, abundance of money ready to be thus invested, and so gratify that longing which, I rejoice to say, the Irishman has, to be absolute owner of his bit of land—a sentiment which, I own, appears to me to be as natural and healthy as it is Conservative, in the best sense of the word. It is a pity to let more time pass without doing this easy and needful work. We have, within the last 25 years, passed some £50,000,000 worth of Irish land through the crucible of the Landed Estates Court. The titles thus cleared are gradually, by the mere lapse of time, becoming clouded again; and, finally, under the provisions of the Irish Church Act and Irish Land Act, we have created some 6,000 or 7,000 small fee-simple proprietors, to whom, with the present state of the law of real property, this ownership is a very doubtful boon. I would, therefore, earnestly ask the Government to give us, at least, such a measure as has been passed for England; or, if practicable, a still bolder measure—an Act to facilitate the transfer of land in Ireland from those who may be willing to sell to those who wish to buy, and, as far as may be, to free the land from all artificial fetters of every kind. Let us have measures such as these—an Amend-

ment of the Land Act based on, and carrying out, its real principles, the establishment of efficient County Courts, and a bold measure to simplify titles and facilitate the transfer of land—and we shall then, I believe, have done nearly all that legislation can do to settle what remains of the Irish land question. And now, Sir, I have but to thank hon. Members for their kind attention, and to repeat that for the reasons already given I must vote against the second reading of this Bill.

MR. M'CARTHY DOWNING gave the fullest credit to the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) for his efforts in passing the Irish Land Act; but the measure as the right hon. Gentleman introduced it, and as it passed the House of Commons, was not now the law, because some of the most material clauses of the Bill were eliminated from it in "another place." The present Bill was intended to give the people of Ireland the protection which the Land Act of 1870 failed to afford them. He supported its principle, but was opposed to many of its details; and he was authorized by his hon. and learned Friend (Mr. Butt) to state that he did not intend to stand by that part of the measure which provided for the rent being estimated in certain cases by a jury. The hon. Member for Kerry (Mr. Herbert) had strongly opposed it, and the noble Lord (Lord Elcho) had invoked even the shade of Lord Palmerston to frighten them; but the noble Lord's arguments were of such a character that he felt satisfied they carried very little weight with the House. Many deliberative Assemblies, acting under responsible Ministers, had sanctioned measures even much stronger than that which they were then discussing. What was the object of the Bill of 1870? Did not the right hon. Gentleman the Member for Greenwich say it was to stay the evil of notices to quit, and evictions which fell as fast as snow flakes? But these notices had fallen far more thickly since the passing of that Act. After the Act of 1870, when questions were raised as to compensation to the tenants in the North of Ireland, a rivalry manifested itself in both Houses of Parliament as to who should be first to amend the law. He made a proposal to amend the Act, but it was opposed by the late Liberal Government. He was now pre-

*Mr. Law*

pared to bring before the House the cases that had been described, and which would prove that some legislation was necessary to prevent the system that was now being carried out. In the Province of Munster especially there was a general movement to increase rents, and tenants who were not prepared to pay an increased rent were told that if they did not do so there was another tenant ready to take their place. He held in his hand a list of cases in which tenants who were ready to pay the highest rent were, nevertheless, turned out capriciously at the will of the landlord. Did the House think that tenants thus left open to eviction, and only getting three years' rent for disturbance instead of 15 or 20, as they would get in Ulster, were likely to be contented? Ought not the State to protect men of that description? A well-known Chairman of Quarter Session said the other day that from the number of ejectments going on there was reason to believe the Act had done more harm than good, and so it had. There were many cases of hardship which the public never heard of. He knew a case where a widow named M'Carthy was the tenant of a mountain farm which had been in the family more than 50 years. About 40 years ago she got some addition to her land, and made an excellent farm of it, dividing it between her two sons, and building a house for each upon it. She paid a rent of £70; but when the Land Act of 1870 was about to be passed, she was sent for by the landlord's agent and told she would be turned out, unless she consented to pay an increased rent of £102. After having built two houses on the land the woman and her sons were called upon to pay higher rents and a very heavy fine. As it was impossible they could do so, they availed themselves of the privilege of demanding an arbitration, and a valuer selected by the landlord fixed the rents at £64 and £52 instead of £70 each, and did not require the payment of any fine at all. The landlord then refused to be bound by the award of his own arbitrator, and served notices to quit. Could any Representative of Ireland justify conduct of that kind? Ought not the law to be amended so that acts of this kind, tyrannical, oppressive, and dishonest, might be put an end to? He had verified the statements made as to the treatment which tenants in Cork had

experienced. A company was formed to buy land and distribute it among the tenants, by helping them to become the owners; but the result had been that the company sold the land to the butler, who, not content with 6 or 7 per cent for his money, had made a re-valuation and had raised the rents enormously, as was shown by these illustrations, in the cases of as many tenants—from £3 8s. to £10 5s.; from £4 7s. to £13; from £3 15s. to £10; from £20 to £32; and from £11 10s. to £31. Thus a once happy tenantry had been made miserable merely because a landowner would have an enormous interest for his money. All that was asked for was due protection from the tenant against such conduct as this. If the Bill would deprive him of any of his rights as a landlord he would not support it; but it would not take away anything which as a landlord he ought to possess. All that the Bill would take away was the power of arbitrary eviction and of demanding excessive rent. An Act was passed in 1868 which did for the ryots of India all that was now asked for the tenants of Ireland. The India Act said that no landlord should raise his rent without stating the grounds for doing so, and that the rent should not be raised to an amount out of proportion to the rents paid by the surrounding tenants. In Prince Edward Island, in 1872, notwithstanding violent opposition, a Bill was passed compelling the landowners to sell their estates, upon the award of a Commission, to the State, which desired to give them in perpetuity to the tenants. The principle of this Bill was fixity or perpetuity of tenure, which was essential to the people of Ireland, and without which there never would be peace. There ought to be a tribunal to regulate the rent and to put a stop to bad landlords endeavouring to get more from a tenant than he could extract from the land. In his own county (Cork) there were as good landlords as there were in England. He had never known of a capricious eviction on their estates, and the Bill certainly could do them no harm; but it would deter and prevent owners of a different class from inflicting the hardship and injustice and causing the misery and crime which were too often found under the present law. Of course, they all deplored the existence of agrarian crime in Ireland; but the cases he had cited, mostly from

official Papers and documents, showed how these crimes were the natural outcome of a sense of oppression and injustice. Though the Bill might be defeated he believed it would, if agreed to, be most beneficial to Ireland.

MR. KAVANAGH: I will ask the indulgence of the House for a short time while I say a few words upon the subject of this Bill, and while I endeavour to put it before them in the light in which it appears to me. To do so I must ask the House to consider with me some of the remarks which the hon. and learned Member for Limerick (Mr. Butt) made when moving the second reading of it. I must ask them to consider the main provisions in it, and weighing both together—the proposals in the Bill, and the speech by which it was introduced—I will ask them to consider what may be the probable effect of such upon the minds of the ignorant and excitable portions of the Irish people. I was not present on the 29th of March when the hon. and learned Member for Limerick moved the second reading; but it will, I am sure, be in the memory of those who were that he then told the House that he had formed his opinion on this Land Question from information he had acquired while conducting the defence of the Fenian conspirators. From them he had learned that the past history was confiscation, and that there never would be peace till the Land Question was settled, which expression, interpreted by the provisions in this Bill, means till there was more confiscation. In my opinion, the hon. and learned Member could not have adopted a more appropriate preface. He referred to the history of confiscations that have passed, and he proposes now to cure them by adding another chapter of a similar kind. The introduction may be suitable and proper; but I question both the efficacy or justice of the proposed means of cure. The true reparation for confiscation consists in restoration; but to effect that cure the property confiscated must be restored to those from whom it was confiscated. The Fenian conspirators forgot to teach the hon. and learned Member that part of the chapter, and he follows their teaching truly, for he now proposes to confiscate the land of the Irish landlords, and to hand it over to the occupiers, few of whom could be proved to be the lineal descendants of

the ancient owners of the soil. He proposes now to confiscate the property of men, many of whose titles are from time immemorial, and who never held by tenure of confiscation. I claim to be among that number myself, and with every respect for the hon. and learned Member's knowledge of Irish history, and notwithstanding the statement made by Lord Clare in the House of Lords, I must inform him that although I am not the descendant of any of the five or six old families of English blood, I hold my property by immemorial right. But immemorial right, prescriptive right, or any other right, human or Divine, only weigh as chaff in the minds of some when they interfere with other aims. I must now come to the proposals in the Bill itself, and I feel that I need not occupy much time in endeavouring to describe what they are. The Bill is clear in its object, and there is no chance or danger of mistaking its intent. It is divided into three parts. The first deals with the custom of Ulster tenant-right, which, I believe, means that the tenant having paid a sum of money for the possession of his farm shall be entitled to receive that back, or more if he can get it, when he leaves the farm. Now, on the presumption that the landowner originally received this price of possession, I have nothing to say to that. But I object strongly to the efforts which are being assiduously made to obtain for the Ulster tenant the right to be repaid that which he never paid, or to sell that which he never either owned or bought. And that is, as I read it, the real object of this part of the Bill. The second part deals with details, some clauses of which are only so slightly imbued with the principle of confiscation that one is inclined to wonder how they ever found their way into its pages. But in the third part we come to the real pith of the Bill. Clauses 26 to 42 provide for the conveyance, without purchase or without price, of the property of the landlord to the tenant "subject to a head rent." And Clauses 43 to 60 hand over the settlement of the amount of that head rent to a jury of tenant-farmers from the locality. The simplicity is charming. It is only necessary for a tenant to be seized with a desire to possess his landlord's property, and the Chairman of the county is to give him a certificate that he does so. He

*Mr. M'Carthy Downing*

I only feel aggrieved by the amount  
 the head rent to which it is subject,  
 I may have a jury of his friends to  
 use or abolish it. It is something  
 empowering the consumer to re-  
 late the price of bread and meat, de-  
 ring the butchers and the bakers of  
 voice in the matter, although it can-  
 be denied that it does concern them  
 title. I think the House will go with  
 when I say that I do not describe  
 Bill by too hard a term, when I  
 it a measure of confiscation. I need  
 dwell longer on its provisions, they  
 so plain that those who run may  
 d; and I will now ask the House to  
 r with me while I endeavour to put  
 ore it what appears to me to be the  
 st important bearing of the question.  
 s, I confess, with feelings of unmixed  
 ret that I apply myself to this portion  
 my task—regret, not caused by any  
 r as to my personal interest as a land-  
 l, which would no doubt be swept  
 y and confiscated were this Bill ever  
 become law—not caused by any ap-  
 prehension that let the exigencies or  
 es of parties be ever so imminent or  
 atening a proposal of this extreme  
 ure could ever meet with the sanc-  
 t or approval of a British House of  
 mmons, and that I admit, considering  
 measures that have been passed  
 ough this House within the last few  
 rs under such circumstances, is a  
 l assumption. But it is nothing of  
 t kind that causes the pain to which  
 ve referred. It is the knowledge of  
 effects which wild and extravagant  
 posals of such a nature are likely  
 produce upon the minds of those  
 m whom they are only intended to  
 k, and the discontent and ill-feeling  
 he creation and incitement of which  
 I believe, their sole aim—they are, by  
 ng thus brought forward, calculated  
 ngender and increase. The hon. and  
 ned Member in his speech says that  
 one can understand the subject who  
 s not take into account the past his-  
 ry of the country. I say that no one  
 understand the subject who does  
 , not only, know, but consider  
 present position of those concerned,  
 condition of the Irish landlord as  
 l as that of the Irish tenant. In  
 0, when the Land Act was passing  
 ough this House, it was urged on  
 alf of the Irish tenant that he was  
 helpless, so ignorant, so imbecile, that

it was absolutely necessary for the Legis-  
 lature to step in to protect him, not only  
 against his landlord, but against him-  
 self. The Land Act passed, and he was  
 placed in a position which no English  
 or Scotch tenant-farmer ever dreamt of.  
 He was then secured by law in the  
 tenure of his holding against the capri-  
 cious action of his landlord by a penalty  
 on eviction on a prohibitory scale, gra-  
 duated in proportion to the supposed  
 helpless nature of his position. He was  
 then secured by law in all the improve-  
 ments not only which he has made, but  
 which by presumption he can be as-  
 sumed possibly to have made. I must  
 ask is this, either on its own merits, or  
 compared with the conditions of any  
 tenure in the world, short of the posses-  
 sion of the fee-simple of the land, a weak  
 position? Secured in his own improve-  
 ments, given freely and without pur-  
 chase, a certain vested interest in the  
 land which he occupies, he now shows  
 his helpless imbecility by clamours for  
 the fee-simple. Having tasted blood he  
 now, through the mouth of his advocate,  
 cries for more, and proclaims in no un-  
 certain tones that the possession of the  
 land is the only price which will pur-  
 chase immunity from outrage. I dismiss  
 at once from my mind any apprehension  
 that such an argument as is conveyed  
 in the threat would for a moment bear  
 any weight in this House; but I cannot  
 dismiss from my mind the certain know-  
 ledge of the harm, the incalculable harm,  
 that such ideas and notions will do in  
 Ireland. The people, the majority of  
 whom are, I regret to say, ignorant and  
 excitable, instructed by those who lead  
 them, have been already shown how the  
 Fenian conspiracy achieved the Church  
 and Land Acts. This Bill, for the pur-  
 poses of agitation, embodies the pro-  
 posals of those who would lead them  
 further. Another conspiracy—a winter  
 of agrarian outrage will show the mean-  
 ing of the menace. I have now shown,  
 to the best of my knowledge and belief,  
 what is the legal position of the Irish  
 tenant. I think I have proved that,  
 protected as he is by law, his position is  
 exceptionally more secure than that of  
 his English or Scotch brethren. I shall  
 now only say a few words as to what I  
 believe his practical position to be, as  
 that has reference to his relations with  
 his landlord, which the law cannot touch.  
 So far as my experience goes, and it is

not a small one, I believe his position to be this, that he is regarded by the landlord as what I may term the natural occupier of the land, of the occupation of which, so long as he pays his rent—and on this point there is often great indulgence given and leniency shown—and farms his holding in a reasonably unobjectionable manner, he has no wish to deprive him. Further than this, ignoring the fact that he is secured by law in the rights to which I have alluded, it is the direct interest of the landlord to advance his tenant's interest in every way in his power—the wealthier the occupier the wealthier the owner of the land. On the plea of self-interest alone, leaving law and equity out of the question, the interests of the landlord and tenant are so identical and so bound together that he who regards the one preserves the other also—that is, as I have said, viewing the question from the point of self-interest only, assuming that the relations between landlords and tenants in Ireland are only governed by commercial principles, as hon. Members opposite would have us to believe. But I am happy to say—I am proud to assert without fear of contradiction—that there are, as there ought to be, higher principles and considerations which influence and regulate those relations. There are generations upon generations of landlords and tenants in Ireland tied by bonds of confidence and friendship more secure and more strong than law could ever forge, and I hope more true and more lasting than the assiduous efforts of agitators will ever be able to poison or destroy. I can speak from my own experience, and I am no exception to the rule. I am perhaps but a feeble type of the class to which I have the honour to belong. For 22 years I have occupied the position of an Irish landlord, and for 10 years out of that period I have been my own agent over the largest portion of my property. I have spent during those years considerably over £20,000 in helping tenants to improve their holdings, to roof their dwelling-houses and out-offices, for which I charge no interest, and during that time I have not had more than six cases of ejectment on title—that is, for other causes than non-payment of rent—and in those cases for non-payment of rent, there has seldom been less than three years' rent, with no prospect of the

tenant ever being able to pay anything had I left him in his holding. This statement applies to a rental comprising over 1,200 holdings, with a small average rent of not £14 per holding. This will afford, I think, a fair answer to the assertion of the hon. Member for New Ross (Mr. Dunbar) made in the debate of 1874, on the Motion for the Second Reading of the Poor Relief (Ireland) Bill—that to relieve my property of rates I had cleared it of all the small holdings. It will, I hope, give a fair answer to the assertion of the hon. and learned Member for Limerick made in the previous portion of the debate which we have now resumed—that the Irish tenant could feel no security in his holding while his landlord retained the common rights of property. Facts are stubborn things, and it is as facts, the truth of which I am prepared to prove, that I refer to my own relations with my tenantry, and not from any wish to obtrude my personal affairs upon the notice of either this House or the public. In the majority of these cases the ancestors of these tenants lived on the same lands under my ancestors, and between them the same friendship and confidence existed which I fondly hope exists between their descendants and myself now. In days gone by their forefathers went to mine for help in trouble, for advice in difficulties, sure of a willing hand and a sympathizing ear, and now their children come to me with the same confidence, which, whatever may be my shortcomings, their kindly feeling and affection lead me to believe is not misplaced, and this is the state of things which the introduction of this Bill—the culmination, as I may call it, of this system of agitation—is meant to destroy. It has this recommendation—its aim is unmistakable—it is the effort to destroy the good feeling which I assert exists now between the Irish tenants and their landlords, and to sow broadcast discontent and distrust between those whose interests are indissolubly one. These efforts, if confined to speeches in this House, might be comparatively harmless, because the Communistic arguments upon which they are based are addressed to men of intelligence, who, no matter what may be the extent of Party feeling, can judge between right and wrong; but they have no such limit. The authors of this agitation understand their busi-

*Mr. Kavanagh*

as well, and know the profitable tools in which to work, the kindred passions in which they can most easily play. Ignorance and poverty they address to themselves with specious promises that those who join in the game shall share the plunder. I am not far wrong in saying that to every chapel in the South and West of Ireland the emissaries of agitation have been sent, who, painting the landlord as the foreign aggressor, and the tenant as the lawful owner of the soil, present Petitions in favour of this Bill for signature. I can speak again from experience, as I have been favoured by access to my property from those messengers of peace. I know not, nor do I care to know, what their success has been—I do know is that when last I was among my people, about three weeks ago, I was received by them not as the arrogant landlord, but as the welcome friend, and as long as this mutual feeling exists between us, I care little for the interests of our common enemy. To nearly every Union in Ireland I believe Petitions have been sent in favour of this Bill. By the Guardians of some who are capable of distinguishing the difference between *meum* and *tuum* it was rejected; but by some others, where the majority of tenant-farmers predominated, it was adopted—adopted by men who in their blind greed for the possession of property to which they had no shade of right ignored the first principles of right and wrong, and forgot that if their wild dreams of spoliation were realized it might not be far distant when their own might come, and the labouring class having obtained a sufficient amount of political power, would covet their farms, and be at no loss to find an able and learned Member to advocate their case with just as much justice as the present proposal is pressed upon us now. The landlord's property is to be confiscated and handed over to the tenants without purchase or without price, on the sole ground that the tenant covets it, and I will commit outrage if he does not. What principle can there remain to protect any kind of property? What prospect of there ever being any kind of element of peace? The labourer, as I have said before, with equal right, if it can be called, will covet the landlord's possession, the consumer the merchant's, and so on, the requisite elements for success being the possession

of sufficient political power and the absence of all just principle in pressing agitation to the proper point. I am now, I am sure the House will be glad to hear, very nearly at an end. I have shown, I hope, that the Irish tenant is legally in no weak position. I have given the House facts to prove that his relations with his landlord are not such as are described, and although I have not referred directly to the subject of evictions I have shown the House the manner in which my own property is managed, and I assert again, as I asserted before, that that is only a type of the majority. I believe most thoroughly that the large majority of Irish landlords are as averse to capricious evictions as I am, and that they possess, as they deserve, the trust and confidence of their tenantry; but I do not come here now only as the Representative of landlords. I am here also as the Representative of a large and respectable class, the tenant-farmers of the county of Carlow, who would scorn, as deeply as any of their English or Scotch brethren, unjustly to acquire the property of their landlords; and as representing them I am as ready now as I ever was, and as I hope I ever shall be while I hold that trust, to redress any grievance, to remedy any injustice in the present state of the law that presses on them. I hate speaking of myself, appearing to boast, as it were, of my own doings. But I must claim for myself that I have proved my sincerity by acts and not by words only, and this brings me to the last point upon which I shall touch. I was anxious to have the opportunity to offer these remarks, because I am forced to admit that, indirectly, I am in a way responsible for the continuance of this agitation, and for the present form which the question has assumed. In the year 1870, when the Land Act was passed through this House, I, in one respect, on one important point, severed myself from this Party, and supported the clause which placed a fine upon the landlord's free exercise of his undoubted right. I will not now go into the reasons which actuated me in taking that course, nor am I prepared to say that I now regret the line which I then adopted; but this I will say—that I am sorely and deeply disappointed at the results which it has produced. Results have proved me to have been politically



will see that this is a blot which might very easily be removed in Committee. I presume that every one who has listened to the speech of the hon. Member for Carlow (Mr. Kavanagh) has done so with the deepest interest, not merely because of the appropriate language in which the hon. Member expressed sentiments which are far from popular in the region where I stand, but because he is one of the best landlords in Ireland, and one of our most respected citizens. But at the outset of his speech I thought I detected a sentiment to which very few hon. Members would give their adhesion. If I understood him aright, he said he was not averse to the restoration of property which had been confiscated 300 years ago, if he could only discover the lineal descendants and heirs-at-law of those who were the victims of that ancient rapacity. I will not follow him into these dangerous speculations, and I say once for all that the promoters of this Bill have no notion of entering upon such a revolutionary undertaking in any shape or form. In the course of the debate, so far as it has yet proceeded, two classes of objections have been urged against this Bill. In the first place, my hon. and learned Friend (Mr. Butt) is charged with an attempt to unsettle the Land Act of 1870, and, in the second place, with producing a bad Bill, irrespective altogether of anything that had gone before it. Now, as to the offence of being disrespectful to the Land Act, I should have thought that, in the opinion of Members opposite, that would have been no offence at all, and that nothing could have pleased them better than to see it unsettled, or even repealed. I am confident that if my hon. and learned Friend wanted to give vigour to any attack he was disposed to make upon the Irish Land Act, he could not do better than gather up the rhetorical projectiles which proceeded from the Conservative benches—especially from the present Lord Chancellor of Ireland—when that measure was under consideration six years ago. It seems to be the opinion of some Gentlemen, both inside and outside this House, that the work of those who occupy the Liberal benches is always very bad while it is in progress, but exceedingly good as soon as it is finished. If that be so, this Bill is only objectionable, because it is not yet law, and the best cure for it would

be to carry it. I hope I may be permitted to say that we on this side of the House hold ourselves at liberty to reconsider and criticize, if we think fit, Acts of Parliament which owe their existence to the efforts of the Liberal Party. But in this case, as it seems to me, the charge of being disrespectful to the Land Act does not apply, for my hon. and learned Friend—and he ought to know what he is about—has defended his Bill on the ground that it does no more than work out the principles which were affirmed in the legislation of 1870; and, on my own behalf, I own that I support it because it does not unsettle the existing law, but offers to make firmer than ever the foundation on which our land economy rests. But the hon. Member for Carlow says this is out-and-out a bad Bill. How are we to know whether this is so or not? The same thing was said about the Bill of 1870, which now appears to be the end of all wisdom. I am not much concerned by the hard words of the noble Lord the Member for Haddingtonshire (Lord Elcho), or of the Chief Secretary for Ireland; for some new vocabulary of dislike and horror must be invented before worse things can be said about the hon. and learned Member for Limerick now than those which were said six years ago about the right hon. Gentleman the Member for Greenwich (Mr. Gladstone). What does this Bill propose? It proposes to give increased security in their holdings to the farmers of Ireland, taken along with a fair revision of rents for the protection of the interests of landlords. The plan we recommend for doing this may not be a perfect plan; but it is, at all events, an effort to do a work which multitudes of intelligent men in Ireland believe necessary to be done—and among these I include the hon. Member for Downpatrick (Mr. Mulholland) who has his own little method for removing grievances—not to satisfy what the hon. Member for Carlow calls popular clamour and wild expectations, but to satisfy equity and secure contentment. A great part of the speech of the hon. Member for Carlow was taken up with florid references to the rights of property. What is the use of this? I should hope there is no man in this House so deeply sunk beneath the region of intelligence as not to know that when any encroachment is made upon

the rights of property, the principal injury is always done to him who makes the encroachment, and not to him who suffers in the first instance, for time always takes reprisals for injustice and violence. We who stand here to speak for the masses of our countrymen have stood elsewhere and have fearlessly told the farmers of Ireland that if they attempted—which they have not—or if they succeeded in the attempt—which they cannot—to take anything from the landlords by unjust aggression, they would themselves be the chief losers, because they would inevitably be the victims of some future deeds of spoliation. I admit that this Bill touches some of the most difficult and delicate questions of political economy and social administration. It deals with the law of contract, and asks you to limit it; it deals with rent, and asks you to regulate it; and it deals with tenure, and asks you to secure it. Those who make these demands ought to approach the discussion of them in no spirit of levity, but under a sense of deep responsibility. As to the law of contract, the noble Lord the Member for Haddingtonshire has asked whether it is to be a point in the new Liberal creed to interfere between landlord and tenant? It is too late to ask this question. Both Houses of Parliament have pronounced against the absolutely binding obligation of contract, and not only in the matter of land, but of ships, mines, factories, and other kinds of property, and they have so pronounced because there can be no freedom of contract where contract is not free; and anyone who now contends that every man must be eternally bound by every document to which he has been constrained to put his hand is really founding his argument upon an exploded principle of politics. It is not the freedom of contract, but the slavery of contract, which has been abolished by Act of Parliament; and the question we have now to consider is when and where to interfere, and how much protection we ought to give the weaker of two contracting parties against the injurious consequences of his own involuntary act. There are peculiarities in the case of Ireland which are not always appreciated or even thought of by Englishmen and Scotchmen. The physical condition of the country, the mode of making improvements on the land, the ideas and

traditions of the people are all different. Our resources are nearly all on the surface of the ground, and, whether it be a question of wealth or of bare subsistence, the struggle for wealth or for existence turns upon the product of the soil. And this brings me face to face with the question of rent. The principal way a man has of making himself rich in Ireland is by raising the rent of his land. It is not so in England. Here we see money made by trade, manufacture, commerce, mining, or by floating of companies and mines which do not float long; and when the money is made there is a laudable ambition to invest it in land, the investor thinking that he has done very well if he gets for his investment as good a return as he would get from the public funds. But in Ireland men buy land, not to invest money, but to make money. They borrow money on the land-mortgage to trade in the land. It was stated by some one in the course of the debate that it pays better to be a tenant than a landlord in Ireland. If that be the case in the South, I can assure the House that it is not the case in the North. With us in the North, fortunes are increased and repaired by speculating in land alone. There is an estate in the county of Derry, which was sold within the last four or five years, and it is paying its present owner, through a rise of rent which the previous owners would have scorned to assent to, if proposed by their agent, an amount of interest on the outlay which would bring water to the mouth of any English or Scotch proprietor. I tell the House that it pays excellently to be a landlord in the county of Londonderry. And as the landlord gets his wealth out of the land, so the tenant gets his only means of livelihood out of it. Having no other outlet for his labour or enterprize, he is tempted to give a rent for his holding which is just compatible with bare life and no more. It is well known that rents are higher in Ireland than in England. ["No, no!"] When I say well known, I mean, of course, in well-informed circles. I do not mean to say that a farmer in Ireland gives more rent than the land is worth to him, because that would be a proposition which I should find it rather hard to defend. The truth is, the land is worth more to the Irish farmer than it would be to the English

farmer, because he prefers paying a rent which brings him and his family to the verge of starvation, to emigrating, or to becoming openly and avowedly what he often is really—a day-labourer; and taking these preferences into account, the land is worth to him all that he pays for it. Besides, there is sometimes the calculation—Irish Members will understand me—that the tenant may, in the last resort, take a moonlight flitting where there is no tenant-right, carry off bag and baggage, and one or two years' rent into the bargain. More grim possibilities still enter into the minds of desperate men; but courageous landlords go on laying a few shillings per acre on the rent this year, and a few shillings another year, imagining that they can just stop before they have laid the last straw on the camel's back. Sir, this Bill deals with rent, and it would be the veriest sham that was ever laid on the Table of this House if it did not. But is it the first measure that has dealt with rent? Far from it. The Land Act deals with rent, not so avowedly. Well, but how much difference is there after all! This Bill would enact a system of compulsory arbitration; but then the Judges of the Land Courts have already almost compelled the litigating parties to submit to arbitration in disputes about rent. We ask Parliament to do what the Judges already may do. As to the rent-jury provided by the Bill, that is only a menace in reserve to compel the parties to submit to the arbitration; and as I do not believe it would ever in practice be called into requisition, I would ask my hon. and learned Friend to cut it out and hand it as a peace-offering to the noble Lord the Member for Haddingtonshire. I have said that the law as it now stands interferes for the settlement of rent. I shall give proof of this assertion. [The hon. Member then referred in detail to a land case which came before Chief Justice Morris, in which the Chief Justice refused to sanction a rise of rent which was attempted by an agent. The agent having refused his consent to the rent proposed by the Judge, heavy damages, by way of compensation, were awarded on the spot.] I quote the decision of Lord Chief Justice Morris, not only because he is an able and fearless Judge, but because the defeated party could not possibly suspect him of a bias towards either the

Land Act or the tenants on account of his political antecedents. That is the law as we now have it, and if we could always make sure of having as good law as that, we might not think it so necessary to come once more to the Legislature. What we now ask is a system of skilled arbitration, so that questions of rent may be taken out of the hands of the Judges and placed in the hands of carefully-selected men, who, in addition to high character for impartiality, will also possess a practical knowledge of the subject on which they are called upon to give their decision. The legislation of 1870 has made the position much better for some tenants, but it has not conferred material advantages on others. Previous to 1870—and I now speak of Ulster, with which I am best acquainted—it was quite the exception to find a harsh, or, as the country people called him, a driving landlord. The most of them, indeed, were lively and energetic at election times. Their predecessors in title had got the worst of it in the conflicts with their tenantry in the last century, and they had become tolerant of the custom of tenant-right which prevailed over the Province. And here I must help to correct and remove a delusion which appears to have settled down on the benches behind the Ministry. It has been said several times by the hon. and learned Member for the University of Dublin (Mr. Gibson) that the Ulster custom was due for its origin to the generosity of the landlords. My right hon. and learned Colleague (Mr. Law) has effectually dealt with this strange misconception; but I must add one or two words to his. No, Sir, the tenantry of Ulster fought bitterly for the preservation of their rights, and it was only when the landlords of Down, Antrim, and Donegal had their counties on the verge of a civil war that they desisted from their attempts to abolish that ancient tenant-right which the people still enjoy, and for the safety of which they have only the pluck of their ancestors to thank. Let us get rid, once for all, of these namby-pamby compliments to the generosity of men long since in their graves, for they only call up historical reminiscences which had far better be left to sleep under the green sward that covers the dust of the insurgents of the 18th century. As I have said, it was only here and there a bad case cropped up;

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but when it did it created alarm over a whole barony or county, and justly so, for it suggested the possibilities of severity which lay hid under the then state of the law. Two or three bad landlords in the county Donegal spread consternation over the whole length and breadth of that great county, for the farmers saw that, however good their present landlords might be, a change of owners might any day land them in distress and penury. They wanted legal protection against wrong, and they partially got it. But the very law which has done immense good to the tenants of harsh landlords has not done much for the tenants of the more indulgent class of owners. Men who were willing to be generously equitable without compulsion are now disposed to stand upon their rights, and are saying—"Our tenants were not satisfied with our good-will; we shall now give them as little of it as we can;" and the consequence is that the people in many places are harassed more than ever. The Legislature has gone far enough to irritate, and whenever power is irritated the only cure for it is to disable it. Therefore, it is necessary for Parliament to complete its work, and to make the rights of landlords and tenants so hard and fast by statute that the one shall have no power whatever to encroach upon the privileges of the other. I have heard a good deal said during the last two Sessions of Parliament about the propriety of assimilating the laws between England and Ireland. I confess I never could fully enter into that view, for I am far more anxious to have laws adapted to the exigencies of each country than to have them assimilated in all. I was never more forcibly struck with the soundness of this political doctrine than in reading an able paper from the pen of the Duke of Argyll in a recent number of *The Contemporary Review*. The noble Duke says—

"Neither in England nor in Scotland are the persons competing for farms mere peasants struggling for the only means of living within their reach. On the contrary, they are shrewd, sagacious men of competent substance, which they are anxious to embark in this business."

Just so; but then in Ireland the persons competing for farms are very often just what the Duke of Argyll says they are not in Scotland—they are mere peasants struggling for the only means of living within their reach. They are not shrewd,

sagacious men, for few of them are Scotchmen; but they are impulsive and hot-hearted Irishmen, who would pay down the last sixpence in their pocket, and let the last drop of sweat ooze from their brow, that they might be allowed to spend their days in their own country, and cultivate the piece of land which their fathers held before them. Again, the Duke says—

"30, 40, and 50 per cent of the whole rental, and this continued for many years together, has been, and still is, a not unfrequent rate of outlay on many estates. There are some, as is well known, on which for more than one generation sums greatly in excess of the whole revenue have been lavished on improvements."

I suppose it may be so in Scotland, for aught that I know to the contrary; but I can only say that Ireland in general is unacquainted with this state of things. There the tenant does whatever is done—he builds, he drains, he fences, he puts up gate-pillars, erects gates, and if a landlord were thinning his wood, it is only in the rarest instances that he would give his tenant a few larch poles to help him to erect a shed for his cattle. I do not wonder that the Duke of Argyll sums up his argument with the following candid admission:—

"It is never wise to presume that systems of tenure which have done well in one country or district can therefore at once be introduced into another where they are not indigenous."

Your Scotch and English systems of tenure are not indigenous in Ireland, and because you have transplanted them across the Channel they are fading away rapidly in our alien atmosphere to make way for another system which has its roots in the ancient history of our country. As to the part of the Bill which specially deals with tenure, I may observe that in Ulster, in the last century, nearly all the land was held under lease, and when the owner refused to renew the lease, the refusal was regarded, and justly so, as a breach of the custom of tenant-right. In truth, the right of renewal was one of the deepest veins in the heart of the Ulster custom. In proof of this, I refer the House to the speeches of the late Mr. Sharman Crawford, whose memory is revered in our Province; to the writings of the late Dr. M'Knight, of Londonderry, who has just passed away from a life of usefulness and honour; to the Report of the Devon Commission; and to the works of my hon.

and learned Friend the Member for Limerick. The lease was included in the custom, and a lease no more destroyed the tenant-right than a parenthesis destroys a book. By continuous occupancy, we in the North did not understand the absolute irremovability of the tenant; but we meant, and we do mean, that the tenant has a right to remain until the landlord has some better reason than his own whim for putting him out. I want to be candid with the House, and to keep nothing back. Now, my hon. and learned Friend aims at giving to the rest of Ireland what we claim to have in Ulster. The Bill empowers the Judge to declare the tenant to have a right of continuous occupation; but it only proposes to do this on the footing of a revision of rent. Some hon. Members profess to be alarmed at the words fixity of tenure; but we who live in Ireland can tell them that landlords—and some of them gentlemen with no redundant generosity in their nature—are beginning to consider whether it will not be for their own advantage to give their tenants perpetuity leases on a re-valuation of the rent. And whilst I myself should regard a system of perpetuity leases as the outcome of a wise and patriotic policy, I do not know anyone who proposes to hand over property from one man to another without payment; and, therefore, I am unconcerned by the remonstrances of indignant virtue which have been addressed to us by the hon. Member for Carlow. All those eloquent apostrophes to the rights of property are but the truisms of debate, and are ludicrously irrelevant. It is not a question of property, but a question of policy; and what you will have to decide sooner or later is, what is the policy you must pursue towards Ireland and the millions of an agricultural population. The division of to-night will not decide that question, for it will come up right through the crust of your hard majority, and demand for itself a hearing in the councils of prudent statesmen. If my hon. and learned Friend proposed to stereotype the present rents in perpetuity, there might be some ground for charging him with the attempt to re-construct a vast proprietary out of the ruins of the present ownership. But he proposes nothing of the kind. Security of tenure with periodical revision of rent—that is the principle of the

*Mr. R. Smyth*

Bill, and by that we stand. Attack that principle, and we shall have nothing to complain of in the issue you have raised; but you need not be surprised if we defend it to the last, as fair to the landlord, just to the tenant, and essential to the peace of our country.

MR. PLUNKETT said, if hon. Gentlemen opposite did not like the Act of 1870, he was sure there were numbers of Members on that side of the House who were not enamoured of it, if hon. Gentlemen opposite wished to have it repealed. The hon. Member for Cork (Mr. Mc'Carthy Downing) said that he was authorized by the hon. and learned Member for Limerick (Mr. Butt) to withdraw portions of the Bill; but the hon. Member for Londonderry (Mr. R. Smyth) said those portions were the essence of the Bill, and he insisted upon having them. The hon. and learned Member for Limerick, in introducing the Bill, said in every case where a tenant asked for virtual perpetuity, the Bill would make him pay the utmost value of the land. But in no possible case did the Bill provide that; it provided, on the contrary, that after a very short time he should pay nothing at all. That had been so conclusively shown that the hon. Member for Cork got up and withdrew that part of the Bill. The Bill not only robbed the landlord of his land, but it robbed him also of back and future rent. Suppose the Bill to become law, a tenant might refuse to pay rent; he might deliberately break every contract in his lease; the landlord would take steps to evict him, that proceeding would occupy from a year to 18 months; but at the last moment the tenant went to the clerk of the sessions and got a 6*d.* form; he served that upon the landlord or his agent, and thereupon all proceedings to obtain an eviction were stayed. But that was the mere starting-point of the tenant. For an outlay of 6*d.* he was entitled to receive the land in perpetuity; he was not made to pay the back rent which he owed. Clause 63 provided that in case of an application under this measure a tenant who owed any arrears of rent should not be liable to pay in respect of arrears more than the amount of one year's rent. The Bill provided that a tenant might have his rent assessed by his fellow-tenants. The fair test of the value of a farm would be to ascertain what would be given for it in

open market. But that was not the sense which this Bill adopted. It proposed that tenant-farmers should, without personal inspection of the landlord, award what rent should be paid, and unless their award were impeached for fraud, it would be final. Every one knew how impossible it was to put an end to fraud. Whenever fences were pulled up and farms were well tilled

in Ireland, it would be found that the property was cultivated by the large landowners or by the large and substantial tenant-farmer who paid a high rent for his holding; while on the farm of the poor tenant, holding under a long lease and at a low rent, the fences were full of gaps, the land was covered with weeds, and the hovel in which he lived was tumbling down. The hon. Member opposite had painted a moving picture of the thrifty tenant being turned out a pauper upon the road at the end of his lease. But he should like to know how it was that the thrifty man who had first received a considerable sum in compensation of his being turned out suddenly became a pauper. Under the Scotch system the land was sometimes re-valued every 19 years, and the rent of the tenant raised occasionally as much as 25 per cent without causing discontent; but periodical re-valuation were made in Ireland with a jury of tenant-farmers to adjust the rent, depend upon it it would become lower and lower. It was a mistake to assume that the general body of the Irish tenantry were as poor as they had been stated to be. The fact was that, in many instances, they were a healthy class. Looking to the principle of this Bill he wished to know why if he let one man money and another man land, the former was bound to repay the money, but the latter was not bound to improve the land? It had been so long

a custom to indulge in statements against Irish landlords and to cast imputations upon them that people had almost come to believe these allegations. He wished that every transaction between every landlord and every tenant in Ireland was fairly known to that House. All means let them prevent bad landlords from bringing discredit on the rest of the majority of the body to which they belonged; but let not a slur, which they did not deserve, be cast on all Irish landlords. But for this Bill there was nothing to be said. It was a Bill that

would bring ruin to the landlords, starve the labourers, and that was already proving dangerous to the tenants by the agitation to which it gave rise. The truth was, that this Bill was the last resource of a man who had cut himself off from the hope of gaining distinction in his own Profession. What was the Land Question? It was merely this—that the hon. and learned Member for Limerick had persuaded a certain number of the tenant-farmers in Ireland that if they were only sufficiently disaffected this Parliament might give them that to which they had not even a shadow of title. Such a measure as this sapped all notion of honour and of justice in the Irish tenant-farmers, who had rejected this Bill, not because they scorned to have a finger in such a thing, but because it did not go far enough. The hon. and learned Member had said that he hoped that Parliament would give security of tenure before the tenant was driven to retaliation. That was the hon. and learned Member's appeal, not to this House, but to the assassin. The hon. and learned Member had appealed to outrage and to murder.

MR. BUTT: Sir, I rise in order to protest against this most extraordinary statement. It is utterly false to say this.

MR. SPEAKER said, that the expressions used by the hon. Member for West Gloucestershire exceeded the ordinary limits of debate, and he called upon the hon. Member to withdraw them.

MR. PLUNKETT said, that if he had used expressions in the heat of debate which he should not have done, he had much pleasure in withdrawing them. He appealed from the hon. and learned Member for Limerick to the honour and justice of a British House of Parliament.

MR. J. W. BARCLAY said, before dealing with the question to which he wished more particularly to direct the attention of the House, he must protest against the article by the Duke of Argyll in *The Contemporary Review*, to which the hon. and learned Member (Mr. R. Smyth) had referred, being accepted as a correct picture of the state of matters in Scotland. So far as he (Mr. Barclay) was aware, there was no material difference between the practices of landlords in Scotland and in Ireland in regard to tenants' improvements; for though some landlords had expended

large sums of money on their estates, this was in Scotland, as in Ireland, a rare exception. Neither was the tenure of land in Scotland materially different in principle from what it was in Ireland. If there was any difference it was in favour of the Scottish tenant, for there was no doubt that the clansmen originally held as good a tenure to their holdings as the chief of the clan; and considering how the change had been brought about, the assumption of absolute possession in the land came with bad grace from the Duke of Argyll. He did not mean to criticize the paper referred to at present, but hoped to have an opportunity of doing so when the Agricultural Holdings (Scotland) Bill came on for discussion. He probably should not have taken any part in this debate but for the speech of the noble Lord the Member for Haddingtonshire (Lord Elcho), when the Bill was previously under the consideration of the House. He was always much pleased when the noble Lord addressed the House on the Land Question. The noble Lord, as he (Mr. Barclay) thought, went to the root of the matter. He had constituted himself the champion of the landlords, and appealed to the principles of political economy. If the issues raised went far, it was not for him (Mr. Barclay) to cavil with the chivalry, he would not say rashness, of the noble Lord, but to take up the challenge he had thrown down. When the Bill was previously before the House, the noble Lord had described its provisions as an invasion of the rights of property in land, which, the noble Lord asserted, were as absolute and complete as any right of property whatever in anything could be, and he challenged opponents to point out any difference. He joined issue with the noble Lord, and hoped to make clear that the so-called right of property in land was a tenure of a qualified nature, and by no means unconditional, as the noble Lord asserted. There were two kinds of property, with broadly distinctive features. Every man had an absolute right of property to the labour of his hands or of his head, and in the produce thereof, or in what he received in gift from others of the produce of their labour. This right of property he did not hold by any title or charter, but from the fact of being born a freeman, and herein lay the difference between

the freeman and the slave. One of the principal objects of society was to secure to the individual the possession and free use of this right of property, so far as he did not injure his neighbours. But there was another kind of property to which the right was of a very different and qualified kind. These were what might be called the gifts of Providence which were common to all—the air, sunshine, land, and all that lay under it—the natural objects by which man lived, or on which he expended his labour for his comfort or advantage. No one could with any reason say that these were gifts only to the few; but as it was impracticable for each one to have directly a share of certain of these gifts, and no one proposed that they should, they might be assigned by the State to certain individuals in exchange for certain services or payments for the general benefit. It was evident that the right of possession in this description of property could not be of an unconditional nature, but that possession was to be used not exclusively for the benefit of the individual himself, but for the general advantage. These views were not his alone. He might refer to the writings of various political economists and philosophers, but would confine himself to one quotation from Locke, who says—

“Though the earth and all inferior creatures be common to all men, yet every man hath a property in his own person: this nobody has a right to but himself. The labour of his body and the work of his hands, we may say, are properly his. Whatever then he removes out of the state that nature hath provided and left it in, he has mixed his labour with and joined to it something that is his own, and thereby makes it his property.”

According to political economy, to which the noble Lord appealed, there was thus a distinctive difference in the right of property in one's own labour or its produce, and in the so-called right of property in land. But, in fact, both according to the Constitutional law of England and to practice, however much it had of recent years been kept out of sight, the land of England was held upon the tenure indicated. Blackstone laid it down conclusively that there was no allodium—absolute property in the land of England. After the Conquest the land was held by the landlords of the lord paramount—the Sovereign—on feudal tenure, and on that tenure it was still held. The landlords were vassals

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Sovereign, who then represented the State, and held the land on stipulated conditions. The land was divided between the Army and Navy and the rest of the Sovereign. If the tenant failed to render the stipulated rent, or rendered them to the wrong person, he forfeited his estates, and not only lost his life. The hon. and learned Member for Durham (Mr. Herschell), in an able and eloquent speech he addressed to the House on the discussion of the Real Estate Intestacy Bill, had alluded to the duties and responsibilities of the feudal chief in having not only to maintain an armed force for his Sovereign, but also to make provision for the maintenance of the members of the family. This system of matters continued to the time of the Commonwealth, when and in the next reign the services in kind were commuted into a money payment, according to the value of the land, according to the exigencies of the

It was not easy to ascertain what amount of this payment was at first made in Scotland, but in Scotland it amounted to one pound of rental in time of war, and in time of peace. In the early part of the reign of William and Mary it was in England 4s. per pound of land in war, and 2s. in time of peace, which provided the funds for the Army and

By this change the landlord converted his holding from a life-tenure in fee for services in kind to a hereditament on a payment in money varying in amount according to the value of the land to the exigencies of the State. In the latter years of William and the Parliament of England then being the paramount power in the land and consisting almost exclusively of lords, converted this annual rent-

for it was not a tax, but rent of land, into a fixed sum payable in fixed rental, and so it continues till now. There is no doubt as to the history of these transactions. It is written in various Acts of Parliament, and this rent, more properly rent-charge, is a fixed sum, except in the cases where, by a wasteful process, it was redeemed for a comparatively trifling payment. He is about to enter at present into the question whether Parliament ought to restore the old rent-charge on the new land on as almost all other rates were levied; but if the noble Lord is to raise this point, he was pre-

pared to meet him on a fitting occasion. His object at present was to show that there was an essential difference between property in labour and the tenure of land, and if he were not able to convince the noble Lord, he thought the public would have no difficulty in forming their own judgment. Now what had happened since this rent-charge was fixed? The land had increased 20 to 30 times in value, due principally to two causes—first, to the mercantile and manufacturing prosperity of the nation; then to the labour and capital expended by the tenants in improving the land; and lastly, to a certain extent, he was willing to admit, to the expenditure of the landlords; but whether due to general prosperity, or to the exertions of the tenant, or to the landlord himself, all the increase had been appropriated by the landlord. The Bill before the House did not propose to interfere with the appropriation by the landlord of the increase in rent due to the first cause. To this the tenant laid no claim, but its object was to secure to the tenant his right of property in the increased value of his holding due to his own industry and capital. The statement might look absurd to those who had considered the assertion by the right hon. Gentleman (Mr. Bright) before the abolition of the Corn Laws, that Free Trade would raise the rent of land; but he had no hesitation in saying that this Bill might fairly and properly be described as a measure which would tend to raise rents, to increase the value of land, and to give peace, prosperity, and stability to society in Ireland. They all knew how much the tenant-farmers in Ireland—and he believed farmers in Scotland even more—had done to improve their land even under an insecure tenure. How much more would they not do so when that tenure was secure, and the tenant believed that the holding on which he was spending his labour would be his home for life! A new value would soon be superadded by the tenant's industry on the landlord's capital, and as in the event of bad times the tenant's capital in his improvements would have to be first exhausted, the landlord's capital would be rendered more secure and of a higher value, while the general prosperity would not be without its effects in giving the landlord a reasonable claim to a fair increase of rent. He



was dealing with the principle of the Bill, and did not mean to discuss its details, which were for consideration in Committee. He considered the speech of the right hon. and learned Member for Londonderry (Mr. Law) to be in favour of the Bill, because he had not objected to the principle, but confined himself to criticism of its machinery. The principle of the Bill was to give security to tenants for their improvements, and that could only be done by giving security of possession, because the greatest and most important manorial improvements of a farm, on which its fertility principally depended, could not be determined by any practical or chemical or microscopic investigation which had yet been discovered, and tenants would not invest money in permanent manures to the extent necessary to fully develop the resources of the land unless they were certain of security of possession to enable them to reap the fruits of their industry and capital. The Bill had been called revolutionary and Communistic. No one was more opposed to revolution than himself, or more anxious for steady and continuous progress based on justice and right; but what was more calculated to produce violent change than the persistent refusal to redress an injustice, after it was recognized to be an injustice by those who suffered from it and saw no hope for redress of the grievance under which they suffered? He had never seen defined what Communism fully meant. He understood, however, that one highly objectionable feature of Communism was that one individual appropriated to himself the results of the labour of others without making any return; but if the complaints which the Irish tenants made, and which he made on behalf of Scotch tenants, were well founded, he asked where did the Communism lie? Objections had been taken to the jury proposed to be appointed under the Bill to assess the rent; but if that was objectionable, he had no doubt that tenants would agree to a fixed rent to be raised in settled proportions at determined periods. That would be, or ought to be, perfectly satisfactory to the landlords, whose rights in the land it would respect, while it would at one and the same time afford security to the tenant and stimulate his industry in the improvement of the land. The noble Lord the

Member for Haddingtonshire (Lord Elcho) had said that this Bill would take away from the landlord all that the possession of land was valued for. He had shown that that Bill would raise the value of land by the additional security of the tenants' improvements, and tend to increase rents by the increased prosperity which would follow. What, then, did the noble Lord mean? Did landlords value the possession of land for the power it gave over the tenants? He admitted that the Bill would deprive the landlord of the power over the fate and future of his tenant which he now possessed, but which it was unjust and most inexpedient in the best interests of society that he should possess. He did not wish to deny, nor did he think it an objection to the Bill, that it would deprive the landlord of the power of expatriating his tenant, or, if not of expatriating him, at any rate of turning him out of the home of his childhood, the home with which all his associations were connected, the land which he had enriched by his industry and the expenditure of his capital. He quite admitted to the noble Lord that the Bill would have the effect of preventing arbitrary ejectment; but he maintained that the power of which the landlord would be deprived was of a kind which no man in this free country and in this enlightened age ought to hold, or ought to be assisted by law to exercise over his fellow-man. That power, he thought, however consistent it might be with the ideas of the past, was one which could hardly be seriously contended for in that House at the present day. At any rate, whatever might be the opinion entertained or expressed by that House, he had no hesitation in saying that if the question was put to the country the country would return no doubtful, or hesitating, or uncertain answer. He could not conclude without offering his grateful acknowledgments to the Prime Minister for giving the opportunity for this debate. It was not for him to scrutinize the motives. The Bill would no doubt be defeated by an overwhelming majority; but the Prime Minister must know that no division in the House would put this question to silence or defeat the object of the Bill so far as founded on justice and right. He preferred, with the hon. Member for Carmarthen (Sir Wilfrid Lawson), to believe that in

*Mr. J. W. Barclay*

this question at least the right hon. Gentleman had been, was, and would be a good, sound Radical; and although he himself could not venture to educate his Party on such a delicate subject as the tenure of land, he was not averse to a discussion of the subject, which could not fail to have its effect on hon. Gentlemen behind him and on the country. But whatever the fate of this Bill might be, he had no doubt that the arguments adduced would assist in drawing the public mind to the consideration of what he considered a subject of vital importance, and he had confidence that the people, when fully informed, would do justice to the cultivators of the land, and awaken to a sense of their own interest in the soil of their country.

MR. MORRIS said, that individually, and not speaking for his constituents, he much disliked the political economist coming from Scotland, and if anything were necessary to induce him to vote against the Bill of the hon. and learned Member for Limerick (Mr. Butt), it was the speech which had just been delivered by the hon. Member for Forfarshire (Mr. Barclay). The Bill, as it appeared to him, took a very wide scope indeed. It was a measure to make the tenant farmers partners in the ownership of the soil. To that he had no objection, for the Act of 1870 had made the tenant farmers joint proprietors in the soil. He did not mean to say that there were not bad landlords in Ireland, nor did he intend to vindicate them as a class; but although the conduct of some of them might be harsh he believed that the Bill would do more harm than good. Whilst he admitted that there were oppressive and grasping landlords in Ireland, he denied most emphatically that the old landlords—the landlords whose ancestors had lived in Ireland for centuries—belonged to that class. And when he heard the philosopher who had last addressed the House, and the remarks of those who considered themselves the regenerators of Ireland, he must say that from that class had sprung the worst landlords in Ireland, and he hoped there would be no further importation either of Scotch philosophers or Scotch proprietors. There was a class of proprietors in Ireland who had for many generations lived on the most amicable terms with the tenants. But he would ask whether the present Bill was

likely to promote that good feeling which had so long existed between landlord and tenant. It would not compel the bad landlord to do that which was done by the good one voluntarily. Whether he was returned to Parliament at the next Election or not, he would not vote for the transferring of the rights to property from one man to another, and, as he believed that this Bill would do that, therefore he should vote against it; but if the hon. and learned Member for Limerick had brought in a Bill that would have given every farthing to the tenant for improvements and that would have increased the number of years for disturbance without just and proper cause, he would have supported it. The Bill by giving great facilities for increasing rents would lead to heartburnings, dissensions, wars—and almost civil wars—between landlords and tenants. If this Bill could inflict on the bad landlords of Ireland—who were in a minority—the greatest punishment possible on man he would have supported it; but it would be most mischievous, because the first thing done under it would be to raise rents, the landlords thinking they had no interest in the country other than to get as much money as possible out of it. He regretted the number of absentees, some of whom rarely visited their tenants, whilst others appointed trusty agents, and as one of the latter class he objected to this Bill.

THE O'CONOR DON: Whatever may be our opinion as to the merits of the Bill now before us, it would be difficult, I think, to over-estimate its importance. We are asked by the hon. and learned Member for Limerick not merely to amend or to extend the Land Act of 1870, but practically to pass another measure in its stead, and a measure involving principles of such enormous magnitude that I trust the House will pardon me if, in dealing with them, I am obliged to trespass on its attention for some time. Much as the Land Act of 1870 has done for the tenant-farmers of Ireland, in securing them against being thrown out on the world deprived of the value of the improvements they may have made, it has not worked without some counteracting disadvantages. It has had a tendency to place dealings in land more upon the footing of pure commercial transactions than heretofore, to diminish special acts of generosity on

the part of landlords towards their tenants, and, in a word, to make them more exacting in all their rights. Indeed, both parties—the landlords and the tenants—know their legal rights better than before, and both are more ready to exercise them. This has naturally produced a feeling of dissatisfaction. Too much of unmixed good was expected from that Act, and its want of realization has produced a revulsion of feeling and created the opinion amongst a large portion of the tenant-farmers that permanent security in the occupation of their farms is what they must seek and use every constitutional means in their power to obtain. These, Sir, are the facts we have to look in the face, and when we recollect that nearly all the Irish Representatives owe their seats in this House to the will, and are dependent on the votes, of the tenant-farmers, I think it will be admitted that I have been guilty of no exaggeration in saying that the importance of the question cannot be over-estimated. For myself, I can most truly say that I approached the consideration of this Bill with the most anxious desire that I might be able to support it. No man in the House owes more to his constituents than I do. I asked from them a very large amount of confidence, it was freely given to me, and I feel all the more bound to prove that that confidence was not misplaced. Sincerely desirous to see an independent class of yeomanry established in Ireland, secure in the occupation of their farms, I would gladly support any measure calculated to accomplish this object, if it were founded upon principles of justice and fair play, and I would willingly vote for the second reading of a Bill, from many of the details of which I differed, if I believed that its principles were just. In dealing then, Sir, with the Bill of my hon. and learned Friend, I will try to avoid anything like a minute criticism of details. Passing over Parts 1 and 2 of the Bill which deal with the Custom of Ulster, and certain amendments of the Land Act—the utility of which I cannot discover, for if Part 3 became law Parts 1 and 2 would be wholly unnecessary—I come at once to Part 3, and here it is—I am sure my hon. Friend will agree with me—that we find the true principles of his measure. Those principles appear to me to be two-fold. First, that

there should be established in Ireland compulsory fixity of tenure for all existing tenants, whether large or small, resident or non-resident, no matter what were the terms on which they entered on occupation, or whether it had been of long or short duration; and, secondly, that this continuous occupation should be held at a rent mainly determined by farmers resident in the district. Now, while ready to admit that it might be of advantage to the country that the majority of the real tillers of the soil had a secure and permanent interest in it, I am not at all prepared to extend this principle to all accidental occupiers, and especially am not prepared to extend it to the class of large non-resident farmers, who are often more wealthy and independent than their landlords, and who came into occupation on the extermination of the old residential inhabitants. The granting of perpetuity of tenure to such men, coupled with the provisions in the Bill as to the sub-letting of farms, would simply result in the revival in Ireland of one of the worst features of former days—namely, the resuscitation of the destructive system of middlemen, who would become the real owners, the present proprietors being transformed into the owners of a rent-charge. Fixity of tenure to all ancient residential occupiers is, as an abstract idea, one that commends itself to our best feelings; as a matter of fact it exists on many of the large estates in the country, and it would often be difficult, even where the owners can trace back their ownership for centuries, to discover whether the ancestors of the owners or of the occupiers had been longest in connection with the soil. The real difficulty in establishing this perpetuity by law rests in the second principle—namely, the adjustment of rent; and the moment you interfere with this compulsorily, that moment you destroy the very essence of ownership. I will say nothing, Sir, as to the tribunal selected for adjusting the rent—that has been sufficiently dealt with by other speakers—but the Bill not only provides the tribunal, but lays down a standard on which the rent is to be assessed—that standard being “the highest rent which a solvent and responsible tenant could afford to pay.” To act up to this standard the farmers, arbitrators, or juries are to take an oath of the most solemn character, and of course the whole

justification of the proposal rests upon the assumption that they will conscientiously discharge the duties thrown on them impartially and without prejudice. Looking, then, at the Bill from the point of view of those who consider the tribunal a fair one, we are justified in assuming that they think the rent will be determined according to this standard. My hon. and learned Friend proposes to give to the tenant absolute perpetuity of tenure, he proposes to take from the landlord all the rights of ownership inconsistent with this perpetuity, and, in lieu of these rights and in consideration of their abandonment, he proposes to secure to the landlord the highest rent that a solvent tenant could afford to pay. I hope, Sir, I have fairly stated the proposal—now let us look at its consequences. As the greatest diversity at present exists between rents in different parts of the country, between rents on different estates in the same district, and even between rents on different holdings on the same estates, it is evident that if the Bill were put into immediate and general operation there must be a great deal of levelling up or a great deal of levelling down. All the disparities and differences as to rent must disappear and all must arrive at one dead level of uniformity. Now, Sir, I would ask any hon. Member from Ireland whether he could not, in his own neighbourhood, at once place his finger upon certain townlands, the rent of which is considerably over the average rent in the district, and yet which is a rent that has been paid for years by solvent responsible tenants, who, if they wished to leave the land and got permission to sell their interests, would be able to find many purchasers competing for those interests? Well, Sir, I would ask are all the rents in the neighbourhood to be raised up to the level of these, or are they to be reduced? If they are to be reduced, you will have to face difficulties and claims for compensation of which you have no idea, and claims which it seems to me cannot be honestly overlooked. Take, for instance, the case of an estate upon which the rents were raised some eight or ten years ago, and subsequently the estate was sold in the Landed Estates Court, and purchased on the faith of the Acts of Parliament, which guarantee purchases made in that Court. Suppose that those rents have since been most

regularly paid by solvent tenants, that family settlements have been made, jointures and younger childrens' portions secured, and mortgages raised upon these lands on the strength of these rents, could you, I ask, justly upset all this, lower these rents and injure these securities, without at least granting the most ample compensation to those who, upon the faith of your Acts of Parliament, invested their money? And if these rents cannot be reduced, upon what principle can you refuse to raise all the rents in the neighbourhood to the same standard? The value to the tenant, which is the only point to be considered by the tribunal, does not in the least degree depend upon the necessities or arrangements of the landlord; and if it be just to charge the tenants, upon the ideal estate to which I have alluded, the high rents they at present pay, it would be equally just for all the surrounding landlords to claim the same. I know that my hon. and learned Friend has seen this difficulty, and he proposes to meet it in this way. He does not provide in his Bill for a general re-adjustment of rents, nor does he contemplate that all holdings will be at once subjected to its provisions. Apparently he leaves this to the discretion of the tenant. Where the tenant is satisfied as he is, he need not take advantage of the Bill, or seek a "declaration of tenancy;" and as the landlord is not to have the right of going into Court and claiming that the Bill be put into operation, my hon. and learned Friend seems to imagine that in all cases where the rents are low things may go on as they did before, and no change be made. I may say, in passing, that every principle of reciprocity and fair play seems to me to dictate the conferring on the landlords similar rights of appealing directly to the Court; but even although this be not granted, it must be evident that the landlord can, through the instrumentality of a notice to quit, compel the tenant to go to the Court. This being so, what ground have we for supposing that if a landlord's rent were low he would refrain from raising it to the very highest figure he could get? What would he gain by not adopting this course? If he could secure thereby that his estate should be free from the operation of the Act, we could perhaps understand his forbearance. But such will not be the case. The very moment such a Bill as this

became law, every estate in Ireland, so far as the landlords were concerned, would be subject to it. The landlord could not sell his estate or deal with it in any way except subject to this right, and every disadvantage that the law could entail on him would be placed on him at once. A landlord with his rents at a low rate, after the passing of this Bill, would be very much in the same position as one who had promised in writing a lease for 999 years to a tenant at an increased rent but who had not executed the lease. Why should he not execute it? He must do so whenever the tenant wished, and every day he refrained from doing so merely caused him a loss of rent. The case of landlords under this Bill was even stronger than this, for not only would they lose the additional rent to which they might be entitled, not only would they lose the advantages of periodical re-valuations, but they would run a great risk of never having their rents increased at all; for in the end when the tenants did seek for the declaration of tenancy it might very fairly be urged that the rents having been allowed to remain for so long a time at the low rate this was conclusive proof that it was fair. At all events, the landlord would run a great risk of this; and why, under the circumstances, he should refrain from at once demanding his full rights, I am quite at a loss to conceive. Yet unless the great bulk of the landlords do so, the Bill, if fairly carried out, must lead to a very general and, in some cases, a very considerable raising of rents. If this were to be its consequence—and I say, if fairly carried out, it must be its consequence—then I have no hesitation in saying that the Bill would be one of the most unpopular measures which ever passed this House. But, Sir, we know that this could hardly be its result. I have no wish to say a word derogatory of the tribunals to which the hon. and learned Member would refer the question of rent; but giving them credit for the possession of all the virtues usually enjoyed by mankind, it would be contrary to human nature that a tribunal of farmers, or, indeed, any tribunal, would be able to withstand the indignation and uproar with which such a proposal as the general simultaneous raising of rents would be met, and therefore I believe the Bill could not be fairly carried

out. In considering the Bill it seems to me we are placed in this dilemma, either it would give to the landlords that which it promises them—the highest available rent, in which case we should have a very general raising of rents throughout Ireland—or it would fail to do so, and then the promise is a delusion and a deceit. Probably the result would be to stereotype existing rents, as was suggested by my hon. Friend the Member for Forfarshire (Mr. J. W. Barclay), and it is needless for me to point out that by this the chief sufferers would be the kind and indulgent landlords, who would have their low rents fixed at this rate for ever, whilst those who had previously exacted high rents would be rewarded by having those rents equally secured to them. Moreover, in the course of a very few years, the indulgence of the good landlord would have been sold away, and upon the estates where rents were lowest there would be found tenants who had paid to their predecessors, or it might be to their brothers and sisters, the full value of this comparative lowness of rent, so that the actual occupiers would not entertain on account of it the slightest feelings of thanks or gratitude to their landlords. Well, Sir, I say if this were to be the result of the Bill it would be monstrously unfair to those who least deserved this treatment, and the very demand for it holds out the strongest inducements to all landlords in Ireland to look to their rents in time, and hence we cannot wonder at the symptoms already showing themselves in this direction. Again, there is another disadvantage which this Bill would bring upon the occupiers. Let the books of any large proprietor be taken up, and I venture to say that it will be found that in allowances made to tenants in one form or another, in assistance given for making improvements in the dwellings or on the farms, in remissions of rent or advances for temporary wants, considerable sums of money are given away. Of course with the passing of such a Bill as this, all this would cease. No more rent-charger ever does anything, or is expected to do anything, for his tenants. His whole connection with his property is to get out of it a certain sum in the year, and when he has got that all his interest and concern in it ceases. Then turning to the case of the owners of property, the change to them would be

a most vital one. We all know that the very best secured rent-charge is not of equal value with absolute ownership, and upon what principle of justice can we at once change the character of a man's property without at least giving him the choice of compensation? Within the last 20 years thousands and thousands of acres have been bought and sold in the Landed Estates Court, millions of money have been invested in purchases upon the faith of Acts of Parliament, and can we upon any principle of justice take from the purchasers that which they purchased—namely, absolute ownership, and give them in place of it a mere rent-charge, without at least offering them compensation for the change? Parliament, it is true, may be supreme over the land of the country; but I submit it cannot justly give an absolute right to-day, on the strength of which large sums are invested, and then to-morrow take that right away or alter it without at least compensating those whose rights are thus interfered with. This Bill may be defended upon the ground of public policy—it may be said it is necessary to give the occupiers of the soil a property for which they never paid and to take from the present owners that which they purchased; but, if so, call the Bill by its proper name and accompany it with compensation. Moreover, if this great and radical change be necessary let it be made boldly, once and for all, and let the occupiers, who would then really be the owners, have all the rights of ownership. Do not attempt to tie up and hamper transactions in land for ever. The whole effort in other countries, where great and radical changes have been made, has been to free the land from restriction. Here in this Bill exactly the opposite course is taken. Were it to become law no one henceforward could do anything with land except subject to complicated legal restrictions, and probably a reference to a Court of Law in every case. The tenure of land, the rent of land, the very size of farms is to be regulated by Act of Parliament; and not alone is freedom of contract to be done away with in regard to the present owners and occupiers, but it is to be done away with altogether. Instead of freeing land we are asked to bind it up and hamper it with new restrictions unheard of in any other country, the chief result of which would be for the benefit of the

legal Profession, whose members would probably reap a rich harvest, if, by any chance, this measure became law. Now, Sir, I trust my hon. and learned Friend will not think that I have criticized his Bill with any feeling of hostility towards the object he has in view—namely, increasing the permanency of the interest which the occupiers have in the soil of the country. I have tried, as far as I could, to confine myself to the principles of his Bill, and I have not endeavoured to produce a hostile feeling towards it by carping at details. Those principles I regard as principles of restriction, and interference by law where freedom from interference should be the rule. Principles which would reward the bad landlord, who had exterminated his tenants, by increasing the value of his property, and injure the good one by diminishing the value of his, and which, if fully carried out, might benefit one tenant in a 100, but would raise the rent upon the other 99. I am as anxious as my hon. and learned Friend to bring about a lasting settlement of the Land Question; but I think more effectual aid will be given towards the accomplishment of this object by fully and fairly canvassing the merits and demerits of proposals laid before us than by silent, grudging, I might almost say—in my own case could certainly say—servile acceptance of any scheme which might commend itself to popular favour. I have always thought that we were here to do something more than record our votes in favour of proposals that might be approved by our constituents. There is a thinking and an unthinking approbation, and it is our duty to try and assist in bringing out the former. It would be very easy for me to invent an excuse or to give a plausible reason for voting for the second reading of this Bill. To the Bill in its present shape I could not give an assent; but it might be said it can be altered in Committee, and in voting for the second reading you only pledge yourself to the agreeably vague proposition that something ought to be done. Sir, we all know that the Bill will not go into Committee—we all know perfectly well that it will never pass a second reading; perhaps some votes will be given for it, for this very reason; but, at all events, this is the only vote on it which we can get the possibility of recording. Under these circumstances, no matter how conciliatory my

hon. Friends the Members for Cork and Londonderry Counties may be in promising to secure the withdrawal in Committee of almost every essential detail, yet the only fact officially recorded in the proceedings of this House will be, that every man who votes for the second reading will have voted for a measure transferring to the present accidental occupiers of the soil, part ownership in the same, without any provision for compensating the present owner, and for establishing by compulsory valuation the price to be paid for the hire or use of a certain commodity, that valuation, in the main, being left to the decision of a tribunal selected from amongst the body of the hirers. Sir, I cannot vote for such a measure; to vote for it with a mental reservation that I was voting for something else would not be honest; to vote for it even with the publicly expressed declaration of voting for something else would not be commendable; and I have come to the conclusion that I assist the attainment of the object which the hon. and learned Gentleman has at heart more by frankly stating the objections which I entertain to his scheme than by any attempt at subterfuge or equivocation to cloak over or give a gloss to a vote which, straightforwardly and on its own merits, I could not defend. But, Sir, whilst I say this, for which I may have to pay the penalty of being misrepresented, I cannot say that on public grounds I regret that this Bill was introduced here. It is far better that the question should be discussed here than reserved for meetings in Ireland, where false and delusive hopes might be raised and fostered. The hon. and learned Gentleman told us when introducing the Bill that he placed it before the House as the demand of the tenant-farmers and that it embodied their views, views which many of them have been taught to believe to be founded in justice, and which I most distinctly say should not be met with mere denunciations and cries of confiscation and robbery. They deserve at our hands a patient and respectful consideration, and every motive of public and political policy compels us to give them, not alone this consideration, but to meet them only by fair and legitimate argument. Here, Sir, let me remark upon a statement made, I think, by the noble Lord the Member for Haddingtonshire (Lord Elcho), that we might see in this Bill

one of the great dangers to be apprehended from the establishment of Home Rule. The noble Lord asked—"When such a measure as this was proposed in the Imperial Parliament, what might not be expected in an Irish one?" Sir, I say, with the clearest conviction of its correctness, that such a Bill as the present would not have a chance of passing in an Irish Parliament, and further than that, I do not believe it would ever be introduced there. If we consider what is meant by Home Rule as defined by my hon. and learned Friend, and elaborated at the Conference in Dublin, we will see that it would place all Irish legislation absolutely under the control of a Chamber composed exclusively of Irish Peers, or, in other words, of Irish landlords; and is there any one who really imagines that a Chamber so constituted would be likely to entertain, I will not say to pass, such a measure, especially when the alternative of refusal, even if it resulted in an altercation with the Irish House of Commons and a consequent dead-lock, would at the worst lead simply to the abolition of Home Rule and a return to Imperial Parliament? No, Sir, an Irish House of Peers never would pass such a Bill as this, it is contrary to common sense to suppose that they would do so; and the very knowledge of this fact, the knowledge that the mere raising of the question would lead to probable disagreement between the two Houses, would be the surest pledge that even in an Irish House of Commons this proposal would not be made. Indeed, Sir, I doubt very much myself whether even the Land Act of 1870 would have been passed by an Irish House of Peers, and I would say to my noble Friend that he has far more reason to fear the necessities and wants of English Parties than anything that could happen in an Irish Parliament. But whilst an Irish House of Peers would certainly never pass such a Bill as the one before us, they would meet the question of land tenure in a fair and conciliatory spirit and for their own sakes, if for no higher motive, would endeavour to place that question on a more satisfactory footing than it stands at present. There is no class in the community more interested in having the present state of the land laws and the results of recent legislation investigated than the landlords; and blind indeed will

be to their own interests if they things to drag on unchanged as have been during the last few years. ing to my mind could be more rous to the landlords than a suc- 1 of little petty amendments and ions of the Land Act of 1870, , in reality, would give no satis- 1 or security to the occupier; and this point I am obliged somewhat er in opinion from my hon. Friends embers for Longford and London-

There are principles contained in und Act which might lead, step by to the most extraordinary con- nces, and treading in this path is dangerous progress. For myself, I much prefer to look to the end we propose to reach, and if it be tablishment in Ireland of a class of iers secure in the occupation of their , to try whether this could not be ac- ished at once upon some principles ice and fair play. I believe that a deal may still be done in the direc- stimulating voluntary agreements, would lead to practical fixity of , advantages and inducements be held out to landlords to give nd facilities afforded to tenants to it. When the Land Act of 1870 before the House, I regretted that such scheme as that originated by Longfield and proposed in a ied form by the late Sir John Gray ot adopted. I do not despair of its revivd in some shape or form. At ents, none are more interested in a nent than the owners of land, and rse could be more suicidal than ng this Bill with a mere negative, llowing things to drift on as they been drifting. Opposed as I am, o this Bill in principle, and ob- nable as I believe many of its s, I regard it with far less appre- m than the petty tinkering legis- which, if the subject be not red into, may very probably take ace; and if my words have any nce with hon. Gentlemen oppo- would say to them, look to this on and look to it in time, do not ne that the mere rejection of this an settle it, or that meeting with npt the demands of the occupiers nd to remove misapprehensions; this Bill if you will, but in ing it and defeating it try to ace the judgment rather than

coerce the will of the tenant-farmers of Ireland.

MR. O'CONNOR POWER: The op- position to the Bill of the hon. and learned Member for Limerick (Mr. Butt), which has come to-night from the right hon. and learned Member for the county Derry (Mr. Law), seems to me to be quite unjustifiable. The right hon. and learned Member for Derry traced for us the history of Ulster tenant-right, and recounted the wonderful achievements of the tenantry of that part of Ireland in reclaiming the forest and making the bare mountain side smile with abundant vegetation; but I would ask the right hon. and learned Member does he for a mo- ment suppose that the work of improve- ment, which was begun in Ulster so many years ago, would have continued down to our time, if the Ulster tenant had not been secured in the possession of his farm? Certainly not. The right hon. and learned Gentleman's speech is a sufficient answer to my question; and everything he has said in favour of Ulster tenant-right may be said with equal force in favour of fixity of tenure in the other three Provinces of Ireland. I can tell the right hon. and learned Gentleman that the tenantry of the West and South have not been wanting in the qualities of industry and perseverance, to which, he says, the prosperity of the Northern farmers is mainly due; but they have never yet received that pro- tection and encouragement, without which no amount of industry can bring to the tenant either contentment or pros- perity. But the impression conveyed to me by the right hon. and learned Member's speech was that there was scarcely anything in the Bill of the hon. and learned Member for Limerick that he would not be willing to accept, pro- vided only that we could manage to en- graft it on the Land Bill of 1870, so as to make that famous Whig measure the beginning and the end of all legislation on this subject. The Bill before the House has been opposed also by the hon. and gallant Member for Longford (Major O'Reilly), and the hon. Member for Roscommon (the O'Connor Don.) The hon. Member for Londonderry (Mr. Smyth) disposed in one sentence of the groundless opposition of the hon. and gallant Member for Longford; but the course of the hon. Member for Roscom- mon is, I think, particularly objection-



able; for, after condemning the principle of the Bill, and finding fault with almost every one of its details, the hon. Member concluded an eloquent speech without throwing any light whatever on the difficulty with which we have to deal. The hon. Member is always ready to plunge his dissecting knife into the body of every Irish Bill; but he does not appear to gain much practical knowledge from such exercises, else we should be indebted to him for some one act of practical statesmanship. Now, it would be well if the hon. Members for Longford and Roscommon put their wise heads together and framed a Bill themselves that would include all the main objects of the Bill of the hon. and learned Member for Limerick, while being free from its objectionable details. If they did this, they would receive my humble support; and I should rejoice to know that they were capable of something greater than analyzing and criticizing the work of others. It has been said that some of us are not quite competent to discuss this question, because we have no land; but I should think that those who have nothing to do with land, and who are, therefore, free from the selfish considerations that might naturally influence both landlords and tenants, are just the very people who ought to be able to take an impartial view of the question. When a discussion arose last Session on a kindred subject, the hon. Member for Hereford (Mr. Clive), after recounting his own services to his Irish tenantry, wanted to know whether I had done anything to root the Irish tenants in the soil. Well, I was not in the House at the time the hon. Member addressed this question to me, and I had no opportunity of answering him. I would now simply say that if I have done nothing to root the Irish tenants in the soil, I have done nothing to root them out, and if every landlord in Ireland could say the same, our country would to-day be supporting, in comfort and happiness, more than double its present population. There can be no doubt on the mind of any one who will take the trouble to investigate the condition of Irish society, that the peace and prosperity of Ireland depend upon the settlement of the Land Question, and that the settlement of the Land Question equally depends upon guaranteeing fixity of occupation to the tenant as long as

he is willing to cultivate his farm and pay his rent. I do not say that when the Land Question is settled there will be a truce to political agitation; but the social war which has raged for centuries between landlords and tenants will be superseded by social peace, founded on mutual interests, and sustained, therefore, by mutual good-will. As to political agitation, we have arrived at an age when it appears to be a necessity of every country that is in a state of progressive freedom. You cannot dispense with it in England. Why, then, should you expect us to be able to do without it in Ireland? Every great reform inscribed on the Statute Book was effected through its agency. When the masses of the people become conscious of a grievance, they do not at first call aloud for redress. They bear their wrongs in sullen silence, and nurse their resentment until it ripens into disaffection; but when the storm of agitation sweeps over them it calls forth an expression of their discontent, and then good statesmanship steps in and allays the storm by removing the oppression which was at once its justification and its cause. If the House puts this question aside as unworthy of serious consideration, it will, in effect, be telling the exterminating landlord and the midnight assassin to fight it out between themselves; but it will not effectually shelve the question. From these benches you will hear fresh protests against landlord tyranny, and from the Treasury benches, perhaps, fresh demands for more coercion. Now, the tenure of Irish land is a subject upon which successive floods of light have been thrown by the Reports of innumerable Commissions and Select Committees; and there is no subject with which the House is likely to be called upon to deal that has been so thoroughly investigated by statesmen of all Parties, and political philosophers of all schools. It is, therefore, a subject which is fully ripe for legislation; and that legislation must, I admit, be of a sweeping character, which aims at doing common justice to the 600,000 tenant-farmers who occupy the Irish soil. We boldly advocate fixity of tenure, because we are determined to be perfectly candid with the House. Anything less than fixity of tenure would be less than justice to the tenantry, because it would leave the property, which they have

based upon the land, insecure, and it could be less than justice to the country large, which is now anxiously looking forward to the increased prosperity that must ensue from the increased industry the part of the tenant which fixity of tenure alone can promote. The system of land tenure which obtains in Great Britain and Ireland is anomalous in its character; but it does not affect the prosperity of the former country as it does that of the latter. Great Britain, with far greater manufacturing industry, finds ample employment in her towns for the evicted population of the fields; but since you destroyed all our principal manufactures, with the exception of the linen, by repressive enactments, we have had to depend on agriculture as the national industry; and hence the Land question, which excites so little agitation in England, is vital to the population of Ireland. There is one thing certain, at all events—that is, that we are not proposing an untried experiment. There is not a country in Europe that has not had to encounter this question at one time or another, and it has been dealt with, I believe, in every instance either by giving the tenantry fixity of tenure, or erecting them at once into peasant proprietors. Sometimes this result has been accomplished peacefully by the courageous statesmanship of a Stein or a Hardenberg, as in Prussia. Sometimes—as in the case of France—it has been achieved only when the oppressed peasantry, by combining their millions, elevated a social war to the dignity of a national revolution. But it is worthy of note—and the landlords of Ireland might profitably reflect on the fact—that in no case did the struggle terminate adversely to the interests of the tillers of the soil. Our method of dealing with the Irish Land question is suggested, I think, by the soundest principles of economy—by principles which are axiomatic—and it is sustained by evidences of the plainest expediency. Let us consider, for a moment, what Mr. Mill says on this subject—

“The land of Ireland, the land of any other country, belongs to the people of that country. The individuals called landowners have no right, on morality and justice, to anything but the rent or compensation for its seasonable value. It is the duty of Parliament to reform the landed tenure in Ireland. There is no necessity for depriving the landlords of one farthing of the

pecuniary value of their legal rights; but justice requires that the actual cultivators should be enabled to become in Ireland what they will become in America—proprietors of the soil which they cultivate.”

Mr. Mill's position I hold to be perfectly sound; and the application of the principle he lays down can only be a question of expediency. There is no such thing as absolute property in land? How could there be under a Constitution which declares that the Queen has no absolute property in the Crown which adorns her Royal brow? Her Majesty possesses the Crown conditionally on her observance of the Constitution which is the expression of British liberty and the interests of the State. Property in land is held, conditionally, in the same manner, and whenever it conflicts with the interests of the State its tenure ought to be reformed by Parliament. The first thing we have to do in advocating a thorough reform of the landed tenure is to purge the territorial mind of the pernicious and absurd notion that any handful of the community have a right to do what they like with that which God provided for the sustenance of the whole. They have no such right. I, for one, distinctly and emphatically repudiate it. Least of all does that right belong to that handful of the Irish community, nine-tenths of whom have derived their property from robbery and confiscation. Listen to what Paley says on this point, in his *Moral Philosophy*—

“The introduction of property was consented to by mankind upon the expectation and condition that there should be left to every one a sufficiency for his subsistence, or the means of procuring it. And, therefore, when the partition of property is rigidly maintained against the claims of indigence and distress, it is maintained in opposition to the intention of those who made it, and of Him who is the Supreme proprietor of everything, and who has filled the earth with plenteousness for the sustentation and comfort of all whom He has sent into it.”

Acting on the principles here laid down the statesmen of Prussia, in 1807, revolutionized the whole land system of that country, and gave a fixed tenure to the agricultural class; and it is notorious that from that year may be dated the rise of Prussian power, and the development in her people of those great mental and physical qualities, which have made the soldiers of Prussia invincible on the battle-field. From the first moment that bold conception of the sweeping change entered the minds of the Prussian states-

sents a large share of Conservative opinion, the convenient argument that, as the price of produce increases, so must the price of land increase also. But *The Standard* took no note of the fact that if the farmer gets a higher price for his produce now than formerly, he has, at the same time, to pay a higher price, not only for the labour he employs on the farm, but for the coat he wears on his back, and for all the necessities and comforts of life which he is obliged to purchase. Of course, it will not be pretended that the increased price of agricultural labour is a proof of agricultural prosperity. The political economist who puts forward that opinion must be very short sighted indeed. The rate of wages is no test of prosperity in an economic sense. The only reliable test of prosperity, in my judgment, is the facility with which food, clothing, and shelter may be obtained. Now, I would like to say a word on the Land Act of 1870. The right hon. Gentleman the Member for the University of London (Mr. Lowe) told the Liberals of Retford that after the passing of that Act Ireland had no more grievances, that the measure of English justice had filled to overflowing. Will the right hon. Gentleman show me that the Land Act has stopped eviction? Has it prevented the landlord from exacting 100 per cent more than the valuation rent for his land? It has done neither of these things; and it has, therefore, failed to touch even the fringe of that difficulty which has contributed so much to the impoverishment of Ireland, and the expatriation of its people. The right hon. Gentleman took, however, an enlightened view of the situation in depicting the hopeless prospects of the Liberal Party, and I can give him the assurance of one Irish Representative, that he is quite right in not counting on Irish support. Speaking for myself, I can promise him that a Liberal Party ruled by Whig counsels such as his will not only have to encounter Irish neutrality, but Irish hostility as well. A Liberal Party with illiberal leaders is a "mockery, a delusion, and a snare." I would rather, ten thousand times, contend with the open foes I see on those benches before me, than accept the ignoble toleration which the right hon. Gentleman might think it prudent to extend to me, for I should feel in that case that I was standing on

solid ground, not resting on a Liberal quagmire. The accursed land system of Ireland is wasting away the nation's life. It is despoiling the homes of the industrious poor, who have as good a right to life and liberty in their own land as the proudest aristocratic idler who sets his foot upon their necks, and sends them outcast over the face of the earth. I allude to what is of daily occurrence. What can be more worthy of Christian sympathy than the position of a peasant father under sentence of eviction, as he sits the last evening at his humble fireside? His children, nestling at his feet, look up at him, and behold with wonder the once cheerful face marked with the traces of sorrow. Oh! what a saddening, maddening thought for him, that this night is to be his last in the home of his fathers, beside the hearth where he first saw the light of day, and where he trusted that, by honest endeavour, he might rear his tender offspring! While fields within sight of his cabin door are running to waste for want of hands to cultivate them, political economy will proclaim the base and cowardly lie that there is no room for him in his native land. But the peasant knows and feels in the depths of his grief-torn heart that he is the victim of cruel injustice sanctioned by law. Thrust out on the roadside, he may remain to wreak vengeance on the head of the individual exterminator; but if he quits his native country reassured he will carry with him an undying hatred of its rulers, and a resolve to join the very first movement designed to hurl them from power. The social disorders that break out in Ireland occasionally are not to be wondered at. The extraordinary patience of the Irish people under untold oppressions is what strikes impartial foreigners visiting our country with unutterable surprise. No wonder that there are occasional rebellions and perpetual conspiracies, and that you are driven to maintain your rule in Ireland by force of bayonets rather than by force of law. No wonder that John Mitchel, the most powerful genius that our country has produced in modern times, should declare, with his dying breath, that he had made no peace with England. Truly there can be no lasting peace that is not based on justice. I invite the House to lay the foundations of social peace in Ireland by doing justice

the tenant-farmers of that country, as not less worthy of legislative consideration than their taskmasters, because they have to earn their bread by the sweat of their brow.

MR. GIBSON, having listened to the remarks of the hon. Member who had sat down, would readily admit that that Bill was to be carried by the language of menace, and if the House was to be convinced by arguments founded on animosity, that hon. Gentleman had made a most cogent speech. He had spoken of civil wars that might be raised, of conspiracies that might be hatched, of revolutions that might not be far off, and of the disturbance of the social order that might break out, if such measure as that of the hon. learned Member for Limerick (Mr. St. John) did not pass; and he also added that if that Bill was rejected another of much worse character could easily be introduced and ultimately forced on the landlords of Ireland. [MR. O'CONNOR: I say a better Bill.] The hon. Member might call it a better Bill, but interpreted that to mean a worse Bill in his mind. Having the good fortune to be a resident Irishman himself, he would state that the tenantry of Ireland were at present exceptionally prosperous, and the country also was prosperous. He asserted further that if Ireland were only let alone it would be thoroughly contented. But it was extremely difficult for the tenant farmers—a most respectable as well as a tolerably independent class of men—not to be a little misled by the proposal of Bills like the present one, and it was only surprising that they were not debauched by the temptations held out to them. The hon. Member for Limerick had entered into a historical review of the various transactions in Ireland; but those transactions were centuries old; and what was the use of raking them up now unless it was to lay the foundation by way of pretext for some further confiscations? When that Bill was characterized as one that would give security of tenure to the tenant farmers, that depiction was not borne out by the Bill itself, because it would destroy the landlord's tenure and make his rent absolutely insecure; while as regarded the tenants, it might render them a little doubtful whether their rents might not be raised under certain possible condi-

tions. He should only discuss two or three of the broader features of the measure; but he must protest against the language which had been used in support of the Bill, because when it was desired to discuss the broad principles and salient sections of the measure hon. Members called them details or slips in drafting. This Bill was an attempt on the part of the hon. and learned Member for Limerick to redeem pledges given by him months ago to various constituencies in Ireland. The Bill was the work of an able lawyer and an eminent literary man, and it would be idle to say that it was not the result of thoughtful preparation. Would any man dream of asserting his right to the Ulster tenant-right custom if the third part of the Bill were carried, which would make that tenure utterly worthless? Therefore, no part of the Bill need be discussed except the third part, which the hon. and learned Member for Limerick said contained the principle of the Bill. The Act of 1870 set forth the desirability of interfering as little as possible with contract; and under Section 12 of that Bill it was stated that tenants who held farms of a certain value should be able to contract. That freedom of contract rested on the principle that it was not desirable to restrain contracts except where absolutely necessary, and yet this Bill swept away even this freedom. Suppose a grass farm had been let for 10 years at a rental of 1,000 a-year to a tenant who was bound by his contract not to make any claim under the Act of 1870; if this Bill passed he could at once serve on his landlord a claim which would put an end to the solemn contract between them; he could turn the 10 years into a perpetuity, and draw his pen through the contract which prevented him from making a claim under that Act. Take another case. Many gentlemen who did not care to cultivate a farm let it, but wished to retain the exclusive right of shooting over it. A tenant might have bound himself by the most solemn contract in the world to give the exclusive right of shooting to his landlord; but under this Bill, by serving a notice upon his landlord he could turn his tenancy into a perpetuity, and get the right of shooting for himself and his friends. Take another case. A man desirous of providing for an old retainer and friend of his family put

him rent free into a small cottage and into a small farm, intending that for the short time he should live he should have it on very easy terms. That tenant might serve a notice under this Bill, and turn his tenancy at will into a perpetuity. The hon. and learned Member for Limerick shook his head at that, and he (Mr. Gibson) did not wonder at his being a little startled at the consequences of his own Bill. Every person who was entitled to claim compensation under the Land Act of 1870 would be entitled to avail himself of the provisions of this Bill. He could understand revolutionary changes suggested in the future by a vigorous thinker like his hon. and learned Friend the Member for Limerick; but it was rather too much to ask the House to adopt clauses which would absolutely sweep away freedom of contract, not only in the future but in the past, and which placed freedom of contract outside the pale of the law altogether. Important social consequences would be the result of teaching men that they could violate a most solemn contract in this way. The necessary consequence of the Bill would be substantially to offer a premium to tenants for being dishonest. He did not like to make a charge against the hon. and learned Member that he had framed this Bill in the interests of tenant farmers because they had the majority of votes in the counties; but under his Bill the landlords would be robbed, the agricultural labourer was ignored, and the class that had the votes was given power over the property of those people who had property to take away. He did not quarrel very much as to the principle on which the hon. and learned Member would fix the rent, which his clause said should be as much as any other tenant without collusion would agree to pay. But that, if fairly and judicially applied, would lead to the raising of rents in every part of Ireland—a result which would not suit those the hon. and learned Member desired to please, and so it became necessary to add on certain sections, so contrived as to lead necessarily to the lowering of rents all over Ireland. It was obvious that the hon. and learned Member for Limerick did not intend by this measure to raise the rents all over Ireland, and it would be unfair to the good landlords to leave the rents where they were

*Mr. Gibson*

at present, because that would be giving a premium to the bad landlords who had screwed them up to the highest possible point, while it would be punishing the good landlords who had allowed their tenants to have their farms upon easy terms. It was perfectly clear from the provisions of the measure that its whole policy was to lower the rents. What was the machinery appointed to carry the Bill into effect? The scheme of arbitration so carefully put forward in the front was doomed to certain failure. Under that scheme the tenant was to name one arbitrator and the landlord was to name another, both arbitrators to be selected from among the neighbouring tenant farmers, and then the two were to agree upon a third, who was to act as umpire. But in the not improbable event of the arbitrators not agreeing in their selection of an umpire the machinery of a jury—a jury of tenant farmers—was to be put in motion, and that was the tribunal which was to determine the question finally and without appeal between the tenant farmer and the landlord. This was not a mere slip on the part of the draughtsman. This measure had been for months under the consideration of the hon. and learned Member for Limerick, and, therefore, it must be taken that it was the deliberate policy of that hon. and learned Gentleman that such a tribunal was to regulate the land laws of Ireland. He asked whether that was not a monstrous measure to submit to a British House of Commons. Hon. Members opposite objected to the words “robbery and confiscation” as being too strong and as being un-Parliamentary, and therefore he would not use them, especially as he had already uttered them. After what he had said it was almost amusing to refer to the Preamble of the Bill. The hon. and learned Member had a great touch of humour in his composition, and, having prepared a measure of this description, he quietly introduced into the Preamble the statement that this Bill was intended to secure the rent to the landlord. Moreover, the direct and obvious effect of the Bill was practically to confiscate the arrears of rent. It provided that if an action of ejectment was brought against a tenant who owed two or more years of rent he might paralyse that ejectment and stay the hand of the law by giving a notice under this Bill. True it was that the Bill authorized the Chairman, if he should think fit, to award to

landlord payment of the arrears due him, but to the extent of one year's rent only, thus almost confiscating for benefit of the tenant the remainder of the arrears, whatever they might be. There was something even more glaring behind, because although the landlord might order the tenant to pay one year's arrears, there were no means of compelling the tenant to pay, the latter had only to go on serving notice after notice upon his landlord to stop paying his rent at all. He did not wonder at the emotion of the hon. and learned Gentleman at finding what the consequences of his Bill were. It was not possible to gainsay the provision that under the Bill which was being considered, if a landlord who had received a year's rent proceeded to eject a tenant by ejectment for its recovery, the tenant could stop proceedings by giving a notice in the terms of the Bill. So that if a landlord allowed two years' rent to become due, his claim could be defeated as to half; and if he proceeded to recover the amount due to him at the end of one year, he would bring out his ears all the epithets which the hon. Member for Mayo (Mr. O'Connor Power) could command at a moment's notice. The tenants of Ireland were a brave and intelligent race, who knew that it paid better to be tenants than landlords, and they would remain in the position of tenants in the hope of being able to take advantage of the Bill of his hon. and learned Friend the Member for Wexford, or of that other measure whose provisions had been sketched by the hon. Member for Mayo. He could see no possible justification for the mere measure that had been proposed. No justification could be found in the present state of the country, for it must be well known that the savings banks were teeming with the millions of the people. ["Oh, oh!"] Hon. Members might dissent from his statement; but the published Returns in reference to the savings banks would prove the accuracy of what he had said, and a further examination would show that the people generally of the country were eminently prosperous. Reference had been made to the number of ejectments which had not been served, but nothing was proved by that without it being shown who it was that served the ejectments. It was well known that anybody who went Circuit

that since the Land Act the great number of ejectments were brought for the purpose of bringing about family arrangements, and in nine cases out of ten he was happy to say that they were settled without going to trial. The point to look at was the absolute number of evictions that took place; and the figures of the Chief Secretary for Ireland upon this point had not been answered in the course of the debate. The number of evictions which were traceable to the landlords was ridiculously small, and furnished no foundation for any such Bill as this. What parties in Ireland, he asked, were favourable to the Bill? Not the landlords, certainly. The agricultural labourers had not been mentioned; and they did not seem to have given any opinion. Were the tenant farmers themselves satisfied? He ventured to think not. A great many said that they were not, because they said that the Bill did not go far enough. The Return which was placed that morning in the hands of hon. Members showed that out of all the Unions in Ireland only 29 had passed resolutions in favour of the measure, and those resolutions in many cases were not unanimous. A great many bodies outside the Guardians had also expressed opinions which were not favourable to the Bill, and among them the Club in London called "The O'Connell '82 Club." The members of that Club passed a series of resolutions, in one of which they said—"The Bill of Mr. Butt now before Parliament is vicious in principle," and the reason it gave was racy of the soil—it was that instead of giving fixity of tenure it only "ensured litigation renewable for ever." He imagined that the hon. Member for Mayo (Mr. O'Connor Power) must know something of this Club, for many of the phrases which he used were also used in the resolutions of the Club. They concluded magnificently by saying—

"We on the part of an oppressed and dissatisfied nation, offer those fair terms to the present landlords of Ireland, and thereby place on record for the future historian the honesty and moderation of our proposals."

He trusted that the Bill would be rejected by a large majority.

THE MARQUESS OF HARTINGTON said, he was anxious to make a few observations before the House divided, but he would endeavour to economise the

time of the House as much as possible, and he must say that his task had been made easy by the admirable speech of his right hon. and learned Friend the Member for Londonderry (Mr. Law), who had well expressed the views he entertained in reference to the Bill. He should like, before the hon. and learned Member for Limerick (Mr. Butt) replied, to say that he thought it was incumbent upon him to explain that part of his speech in introducing the Bill to which reference was made more than once in the course of the debate, in which—as a historical argument—he said that the land of Ireland had been more than once confiscated. If the Bill professed to be a measure of restitution of the soil to its rightful owners he could understand the relevancy of the statement; but it was not asserted that the present occupiers claimed to be in any sense or degree the representatives of the victims of any of those confiscations, and therefore he did not see with what object the Bill had been introduced with such a statement. There was one intention with which such a statement might have been made, which he hoped was not the intention of the hon. and learned Member. It might have been his intention to convey to the House the impression that a policy of confiscation had been a traditional policy with reference to land legislation in Ireland, and that that policy was still pursued by the landlords of Ireland. He trusted the hon. and learned Gentleman did not intend to convey any such imputation. If he had done so he would have felt it necessary to accompany the imputation with some more conclusive proof than he had given that a policy of confiscation had ever been, or was at that moment, pursued by the landlords of Ireland. It was perfectly true that before the passing of the Land Act, owing to social and economical causes—owing, he thought, to the unfortunate mismanagement of their estates by a large number of Irish landlords, a state of things had arisen which was in many respects most unfortunate. What was the state of things that had arisen? A class of tenants had been allowed to grow up who were so small and dependent that the most ordinary rights of the landlord could not be exercised without inflicting upon them the most cruel hardships and depriving them of the means of

existence. Another circumstance was that, owing to the dependent position of that class, customs which in England and Scotland had obtained legal force and validity had not obtained legal sanction in Ireland. Under these circumstances, what did the Land Act do? It improved the position of the tenants in any legal proceedings that might be taken against them. It gave the sanction of the law to everything in the shape of custom, and gave the tenant the presumption of the law in claiming compensation for any improvements he might have made. It further gave to the tenant many advantages, and in the event of the landlord proceeding to evict him it imposed a heavy pecuniary fine upon the exercise of that right, and prevented the tenant from being turned upon the world altogether penniless in the event of the loss of his holding. The House had been told that in these respects the intention of the framers of the Land Act had failed; but no sufficient proof of the accuracy of that statement had been given. The figures quoted by his right hon. and learned Friend as to the working of the Land Act and the number of actual evictions that had been made conclusively showed that there was no reason to suppose there had been any policy of confiscation of the property either of the tenants or of the landlords. He would recommend that all doubt might be put an end to by further Returns from the Judicial Statistics; because, valuable as those Returns might be, they did not, as had been pointed out, contain a sufficiently clear and distinct account of the causes tried under the Land Act, and did not give a Return of those which were properly landlords' evictions and those due to other causes. What were the objects proposed to be attained by this Bill? He did not think the actual occupiers were entitled to any historical consideration at the hands of the House. He had no doubt the hon. and learned Member who introduced this Bill was actuated by considerations, not of restoring such rights to the present occupiers of the soil, but of conferring some public advantages on the agricultural community. He no doubt thought that by conferring security upon the tenants they would be induced to invest their capital and industry in the soil, and that thereby the produce

of the soil would be increased, and the political contentment of the country in every way promoted. With regard to that point, he should like to know whether it was the fact that the tenant did not possess to a very great extent security of tenure at the present moment? Was it not the fact that in 99 cases out of 100 the tenants who gave their landlords proof that they were either prepared to apply capital to the soil or their own industry to their holding were able to obtain from their landlords almost any security they might require? Was it not a fact that a tenant who could give his landlord proof of his good disposition would easily obtain a lease? He believed landlords were not so indifferent to their own interests as to lose the opportunity of receiving good tenants. Further, it had not been proved that in the case of landlords who were less intelligent and less alive to their own real interests, the legislation of 1870 had not given practical and sufficient security to tenants for their holdings. One provision in the Bill had not been much dwelt upon, and that was the 39th clause, as to which he hoped he should not now be told that it was not an essential part of the Bill, and could be got rid of in Committee. It provided that farms of 60 acres might be sub-divided. He knew there was in the previous part of the Bill a provision against the sub-division of smaller holdings, but it had been pointed out that it was slight and illusory, for when you had deprived a landlord of the power of ejectment, it became extremely difficult to say what control he could have over his estate. The words of the Bill provided against the sub-division of smaller holdings; but the 39th clause positively invited the tenants of larger holdings to sub-divide their farms where the result would be a valuation of not less than £30. A calculation had been made showing that between 8,000,000 and 9,000,000 acres of land would come under the operation of this clause, and might at the will of the present occupier be sub-divided. The effect would be to establish that which had been one of the worst curses of Ireland, a system of middlemen, to which Judge Longfield attributed much of the country's misfortune. He could not conceive that Parliament could do anything more likely to effectually bring back that sys-

tem than by the proposal contained in that clause. He did not deny that there was a gradual and steady progress going on in Ireland in the increase of rents, and that by legislation they could give temporary protection to the present holders against the competition that was going on for the occupation of land. They had been informed that the competition for the occupation of land in Ireland was as keen and sharp as ever it was, and he did not suppose it was desired to prevent changes in occupation. It had been urged as a great evil in this country and in Ireland that there was so much difficulty in the transfer of land from one owner to another, and he did not suppose it would be considered a less evil to make the transfer of occupation impossible. He did not suppose it was desired to prevent the transfer, under proper circumstances, of the occupation of land. If that were so, and if it was admitted that there was a keen competition for land, could legislation prevent land rising in value, either in the form of rent or payment for goodwill? Could any legislation prevent a man who desired to occupy land from paying money for the occupation of it, and going into occupation for that money? The effect of the Bill in regard to rents would simply be that where there was competition, if the landlord chose to strain his rights to the utmost, the whole value of the increase in price would go into the pocket of the landlord; whereas at present it went partly into the pocket of the landlord and partly into that of the tenant in the form of payment for goodwill. By the legislation now proposed, the whole of the additional price to be obtained by competition for land would go, not into the pocket of the landlord, but into that of the existing occupier. He was unable to see how the agricultural community in Ireland could benefit by such legislation, either now or in future. On the contrary, it would probably do much to unsettle the prosperous state of things which was admitted on all hands to exist at the present moment. He regretted, for various reasons, that the present measure had been brought forward. He believed, with others who had spoken, that it had no prospect of obtaining a second reading in that House, and he was much inclined to agree with the



hon. Member for Roscommon (The O'Connor Don) that it would not have a much better chance of passing in an Irish Parliament; but, at the same time, it was to be regretted that such proposals had been brought forward, whether they were likely to become law or not, because they were likely to be believed in by farmers in Ireland, since their effect would be to place sums of money, not belonging to them, in the pockets of the farmers without any exertion on their part. When such prospects were held out to them, was it likely that they would devote themselves with steadiness, energy, and industry to the legitimate means of improving their holdings? Reference had been made to certain clauses in the Land Act. He believed they would all have been glad to see the ownership of land distributed among a larger number of persons in Ireland; but was it not probable that one of the reasons for the comparative non-success of the clauses known by the name of his right hon. Friend the Member for Birmingham (Mr. Bright) was the hope held out to tenants that they would be brought into practical possession of their holdings without payment? Objectionable as the Bill was, however, he was glad it had received an ample discussion. He believed the time thus occupied would not be lost; but that the strong expression of opinion which had been heard not only from English but from Irish Members against the Bill would not be without a salutary effect in Ireland.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) agreed with the noble Lord who had just spoken in thinking that the ample discussion of the Bill which had taken place was matter for congratulation. It was difficult to treat the subject seriously, so preposterous were the proposals which the House were asked to adopt. There could be no doubt that a considerable number of Irish Members had pledged themselves on the national platform to fixity of tenure, free sales, and value of rents as the result of an agitation which had been increasing for the last five or six years. The question was one which had, in that form, been taking hold of the minds of the peasantry. But when they came to read that debate, and learned that by an overwhelming verdict of English, Scotch, Welsh, and Irish

Members the Bill was pronounced to be unjust, and fraught with danger to the community, he believed they would be as unanimous in condemning the measure as they had been in supporting it. He concurred in the eulogium passed on the people of Ulster, and he went entirely with the observations of his hon. and learned Friend as to the propriety of considering the various parts of the Bill which dealt with Ulster tenant right. If proposals were made with the view of remedying some of the shortcomings in the Act of 1870, he considered that would be a fair subject for consideration on the part of the Government and the House. As to the proposals made with the view of settling the Land Question, he doubted very much with regard to the first for a land register whether, considering the admirable arrangements of the Land Estates Court, they would gain much by it. As to the second, that relating to amendments in the Land Act, he thought they might consider it, and as to the Civil Bill Courts Bill, he was as anxious as anyone could be to facilitate the progress of that Bill. But it was perfectly easy to see how artificial was the excitement created in Ireland on this subject. How long had it been growing and how had it been fostered? It was the unfortunate legacy of the excitement attending the Act of 1870. If they examined into the history of the Bill of the hon. and learned Member, they would see how with leaps and bounds he had advanced to meet the demands made on behalf of the tenant-farmers of Ireland. He held that the demand of the Bill was an unreal demand, and when the tenant-farmers of Ireland were assured by the result of that night's proceedings, as they would be assured, that Parliament had no intention of granting their wild and extravagant demands—when they no longer entertained the hope that some political Party, on the pinch of necessity, would grant them—they would regret that they had been led into this agitation. He now understood that the hon. and learned Member for Limerick had given up the clauses with regard to the fixing of the rent, but it would not do for the hon. and learned Member to have two political voices. He must not tell the people in Ireland that nothing less than this Bill would satisfy them, and then say in this House that this

After of arranging the rent was a mere  
 utter of detail. It was this sort of thing  
 that had demoralized the people of Ire-  
 land. They were led to expect the fulfil-  
 ment of these wild desires, and when  
 the time came they got nothing at all, or  
 very little. Under the provisions of the  
 Bill, into which he would not at that  
 hour of the evening enter further, the  
 landlords of Ireland would be deprived  
 of their property without receiving any  
 compensation. They would be merely  
 rent-chargers on the face of the  
 Bill. Freedom of contract was abo-  
 lished in every portion of the measure  
 which touched upon contract at all, and  
 the present generation of tenant-farmers  
 would receive that to which they were  
 not entitled, and which would be taken  
 out of the pockets of the landlords for  
 their benefit. In speaking of such a  
 measure he could use no milder term  
 than that it would be an act of Parlia-  
 mentary plunder. And what was there  
 to justify the proposals of the hon. and  
 learned Member for Limerick? They  
 could not be justified by the Returns  
 which had been quoted by the hon.  
 Member for Cork (Mr. Downing), for,  
 as had been shown by his hon. and  
 learned Friend the Member for London-  
 derry (Mr. R. Smyth), his figures  
 diminished down to almost nothing when  
 the actual number of evictions came to  
 be taken into account. It was also  
 somewhat remarkable that after two  
 long days' debate the supporters of the  
 Bill, who had, no doubt, been well primed  
 by the tenant-farmers' associations, could  
 produce only three cases of real hardship  
 to justify them in bringing before the  
 House so sweeping a measure of confis-  
 cation. The hon. and learned Member  
 for Limerick cited some dramatic cases,  
 but it had to go back 10 years for the  
 most recent of them. It was a serious  
 responsibility which learned, able, and  
 eloquent men undertook when they en-  
 deavoured to associate with the present  
 the traditions of oppression centuries  
 ago which were enough to make  
 any honest heart ache, and told the  
 peasantry of Ireland that because their  
 land was confiscated three times over  
 long ago they were therefore to rest  
 satisfied with nothing less than the fulfil-  
 ment of the claim put forward in this  
 Bill, which the hon. and learned Mem-  
 ber must know would never be con-  
 sidered by that great and famous As-

sembly. Was there no hope that this artificial, vicious, dangerous, and injurious agitation would die away? Yes, there was such hope for it now in Ireland as there had been never before. There were influences at work in Ireland more powerful even than the advocacy of his hon. and learned Friend, or than the most able and skilful agitators. Education and prosperity were walking through the land, bringing with them civilization; silent and unseen, but irresistible as the forces of gravity and attraction. Appeals made to class interests, to old traditions, to past wrongs would then no longer be made with success. We should then see the happy day for which true Irishmen had long looked, though often with a trembling and fitful expectation, when the peasantry of Ireland would rely on their own enterprise and industry for their prosperity, wealth, and happiness, and not upon the spoliation of classes or the prospect of obtaining property which was not theirs, and when they would be as contented, as happy, as loyal, and as prosperous as the peasantry of any portion of Her Majesty's dominions.

Mr. BUTT, in reply, said the violence of assertion could put no end to this Bill, its existence would be imperilled indeed. He deprecated the caricature given of the provisions of the Bill by more than one member, and with regard to the clause which would prevent the landlord from covering arrears of rent he contended that it did not interfere with the remedy which the law afforded for the enforcement of the principle of the Bill was to pay fair rents, which were ascertained by valuation. It was a detail. His statement of the case there was no change in the Act of 1870 to this effect in many quarters. The Ulster tenants were not mere tenants; that they came from Great Britain, the Marston estate new in the town, tenants of the land who had been since the time of the

the men—first in Ulster, and afterwards in Dublin, to which city the venue had been removed by the Government. Ultimately, Lord Donegal renewed the leases, without a fine, according to the tenant right custom. It had been calculated that £24,000,000 of property was held by the tenure of that old custom, which had since been recognized by the Act of 1870. Again, Parliament had sanctioned the principle that the tenant had a property in the improvements he had made. How was that principle respected all over Ireland? He would tell them it was made away with. Agreements had been sent round on large estates. ["Name!"] He would name—the Duke of Leinster's, the Marquess of Lansdowne's. Agreements had been sent round on the Duke of Leinster's estate, dexterously drawn up, altering the rent, varying the tenure; and the tenants were told that if they did not return next morning to the office and give their consent, notice to quit would be served. There was not one of those agreements which did not confiscate the rights which Parliament had conferred on the tenant. All over Ireland—not in consequence of this Bill, the Bill was in consequence of it—landlords were raising their rents. Mr. Edward O'Brien, himself a landlord, said that under the Act of 1870 the security for the tenants' improvements totally broke down, and that it provided no guarantee, direct or indirect, that the rent should not be screwed up until the tenant was reduced to the verge of ruin, and the value of the improvements became the property of the landlord. He repeated, the landlords in Ireland were increasing their rents, doubling them, and in many cases even doubling the valuation. This was general all over Ireland, and the effort of the landlords to increase their rents was attended with the utmost cruelty. Last year he had asked for a Royal Commission on this subject, but he was refused. He now repeated the demand for a Royal Commission, and he called on the hon. Member for Carlow (Mr. Kavanagh), and those who sympathized with him, to vindicate the honour of the class to which he belonged from the odium which was being brought upon them by the proceedings of some of the Irish landlords. As long as there were landlords who exercised their power in doing injustice and wrong it would be necessary to give

the tenantry protection against it. He did not say the system he recommended was perfect, but he insisted in the first place that the land should be held in perpetuity. An eminent judicial authority held that the Land Act had done a great deal of mischief to the tenants although he had thought at first it would do them good, because there had latterly been a great number of ejectments under notices to quit. For himself, he wished that he could devise any means by which they could really protect the tenant and give him security for his improvements, and yet give the landlord the power of arbitrary eviction; but his ingenuity failed to enable him to do so. Eviction was ruin in Ireland; no compensation that they could give would make it anything but ruin to many tenants. He proposed to meet that state of things by allowing the tenant to ask for perpetuity of tenure. He believed, however, that the effect of the Bill, if passed, would be that in a great many instances the landlord and tenant would go on as they were now doing. The tenant would be afraid to ask for perpetuity, because if he did so there must be an increase of his rent; and, on the other hand, the landlord would be afraid to increase the rent because the tenant would apply for perpetuity. The matter would be arranged by arbitration. It was not true that the arbitrators who would fix the amount of rent under this Bill would necessarily be tenant-farmers. The landlord could appoint his own agent or the agent of any other landlord or any person engaged in farming an arbitrator on that matter. He was told that he was going to increase rent all over Ireland. The only time he had spoken on this question out of the House was when he was requested at a meeting of the Farmers' Club to take the Land Question in hand. He told the meeting that if he brought in a Bill on the subject they must leave him to settle the clauses himself. He was asked to explain the Bill at a meeting of tenant farmers, and he distinctly said that the Bill he had prepared left it optional with a tenant to seek perpetuity of tenure; but he told them to remember that a great many of them held their land at a low rent, and that they could not get perpetuity unless they were willing and prepared to pay the highest rent that a solvent and re-

*Mr. Butt*

ble tenant could fairly and reasonably. If the landlords could suggest a tribunal than the Bill proposed a fixing of rent he was ready to it. He would not condescend to to the hon. Member for West stershire (Mr. Plunkett), who d him with appealing to murder, ge which displayed ignorance of than Parliamentary language. ily regret was that it came from ith an Irish name, who might

ue patriots we, but be it understood e left our country for our country's good."

as the question—was the land of Ireland in a satisfactory state? atured to say that it was not. He in this—that there was nothing dangerous than constantly tam- with questions of property, and on that ground that he proposed sure which would set at rest the uestion in Ireland for the present tion. It was a great misfortune he landlords of Ireland had not accepted the spirit of the Act of and had not permitted it to give able security to the tenant. He not speak of disturbance; but he emind the House that no country be at peace where the sword of n was constantly hanging over the of the tenants. In conclusion, he the House to pass the Bill in order n end might be put to the arbi- power of landlords to evict their s, a power which was altogether istent with the principles that to guide the conduct of properties under the circumstances attach- most of the estates in Ireland.

A. MOORE said, he had spoken mes previously, and he wished to hat although he thought the Bill confiscate the rights of the land- und would not touch those whom intended to benefit, yet being our of fixity of tenure and a new ion, he felt bound to vote for it.

stion put.

House divided:—Ayes 56; Noes 234.

#### AYES.

V. S.	Blennerhassett, R. P.
J. W.	Bowyer, Sir G.
J. G.	Brady, J.

Brogden, A.	Murphy, N. D.
Brooks, M.	O'Brien, Sir P.
Brown, G. E.	O'Byrne, W. R.
Burt, T.	O'Callaghan, hon. W.
Butt, I.	O'Clery, K.
Callan, P.	O'Donoghue, The
Collins, E.	O'Gorman, P.
Conyngham, Lord F.	O'Leary, W.
Cowen, J.	O'Loughlen, rt. hon. Sir
Dease, E.	C. M.
Digby, K. T.	O'Shaughnessy, R.
Dilke, Sir C. W.	O'Sullivan, W. H.
Downing, M'C.	Parnell, C. S.
Dunbar, J.	Power, J. O'C.
Ennis, N.	Shaw, W.
Errington, G.	Sheil, E.
Fay, C. J.	Sherlock, Mr. Serjeant
Gourley, E. T.	Smith, E.
Henry, M.	Smyth, R.
Kirk, G. H.	Sullivan, A. M.
Lawson, Sir W.	Synan, E. J.
Lewis, O.	Taylor, P. A.
MacCarthy, J. G.	Ward, M. F.
M'Kenna, Sir J. N.	Whitworth, B.
Martin, P.	TELLERS.
Meldon, C. H.	Nolan, Captain
Moore, A.	Power, R.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

#### ISLE OF MAN (OFFICERS) BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill to make provision respecting the Superannuation Allowances or Pensions of persons employed in the service of Her Majesty in the Government of the Isle of Man, ordered to be brought in by Sir HENRY SELWIN-IBBETSON and Mr. Secretary Cross.

Bill presented, and read the first time. [Bill 215.]

#### LINEN AND HEMPEN AND OTHER MANUFACTURES (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to consolidate and continue the Laws relating to Linen, Hempen, and other Manufactures in Ireland, ordered to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 216.]

House adjourned at a quarter after Two o'clock.

#### HOUSE OF LORDS,

Friday, 30th June, 1876.

MINUTES.]—PUBLIC BILLS—First Reading—Crab and Lobster Fisheries (Norfolk)\* (154). Second Reading—Slave Trade (135). Committee—Report—Metropolitan Commons (Barnes)\* (119).

*Report* — Elementary Education Provisional Order Confirmation (Tolleshunt Major) \* (114); General Police and Improvement (Scotland) Provisional Order Confirmation (Paisley) \* (112)—(Perth) \* (113); Public Health (Scotland) Provisional Orders (Irvine and Dundonald) \* (118); Provisional Orders (Ireland) Confirmation (Coleraine, &c.) \* (107).

*Third Reading*—Elementary Education Provisional Order Confirmation (Hornsey) \* (104); Prevention of Crimes Act Amendment \* (125), and *passed*.

*Royal Assent*—Trade Union Act (1871) Amendment [39 & 40 *Vict.* c. 22]; Jurors Qualification (Ireland) [39 & 40 *Vict.* c. 21]; Local Government Provisional Orders, Aberavon, &c. (No. 7) [39 & 40 *Vict.* c. 87].

## INTEMPERANCE.

### MOTION FOR A SELECT COMMITTEE.

THE ARCHBISHOP OF CANTERBURY rose to move that a Select Committee be appointed for the purpose of inquiring into the prevalence of habits of intemperance, and into the manner in which those habits have been affected by recent legislation and other causes. His Grace said, he felt that he need make no apology for bringing this very important subject before their Lordships. What had induced him to do so at this particular time was especially this—that recently, in common with many of his right rev. Brethren and the Archbishop of York, he had received a Memorial signed by 10,000 of the Clergy of the Established Church of England, calling upon them in their place in Parliament to draw their Lordships' attention to the growing prevalence of intemperance, and to endeavour to ascertain whether any remedy could be found for the very serious evils of which the memorialists complained. This Memorial was the sequel of two important Reports—one drawn up by the Convocation of the Province of Canterbury—a Committee to examine into the subject of the Report was, indeed, appointed as long ago as the year 1869—and the other Report drawn up in the year 1874 by the Convocation of the Province of York. The first of those Reports had been in the hands of the Clergy and the public generally for several years. It contained much information as to the spread of intemperance in the country, and also a great many valuable suggestions as to the best way in which that evil could be met. A venerable friend of his, who was at that time an important member of the Lower House of

Convocation of the Province of Canterbury, was mainly the author of that Report—the late Archdeacon Sandford. It was specially owing to his indomitable perseverance that this Committee was enabled to acquire the information which they had laid before the public. In the midst of the pressing avocations which the Clergy had in their several spheres—in the midst also of that controversy which he supposed was an inseparable concomitant of increased religious zeal, however much in itself to be deplored—it was refreshing to find that that venerable institution, the Convocation of the Province of Canterbury, applied its attention to this important practical matter, and by a laborious and exhaustive process was able to supply the country with a storehouse of information on the subject. He was bound to say, also, that the Convocation of the Province of York drew up a Report in 1874 or the beginning of 1875, and therefore took cognizance of all the changes which had occurred since the year 1869, and had contributed further most valuable and important information on this subject. He was not surprised that the Clergy generally, feeling that their work as the established ministry of this country was greatly impeded by the evil complained of, should, in such large numbers, have memorialized the Bishops, and asked them to bring this subject before Parliament. It was only natural that men who felt that the very object of their existence as a class was interfered with by some growing evil should be more alive to the existence of that evil than, perhaps, any other class of men. It was not, indeed, to be taken for granted that all the allegations contained in these Reports were capable of being distinctly maintained. The very object which the Bishops had in view in asking their Lordships to grant a Select Committee was that those allegations might be tested—that they might see first whether the evil did exist to the extent alleged; secondly, what were the causes to which the existence of the evil was in a greater or less degree to be attributed; and, thirdly, what were most likely to be remedies for the evil. It was maintained that intemperance had greatly increased in the country. It was maintained that crime had been assisted by the growth of intemperance; that the Reports of all prison chaplains, or

strates, and of all persons connected with the police with the repression of crime, attested that a large proportion of the crime of the country was owing to intemperance. It was alleged also that crime might be greatly diminished throughout the country if it were not for widespread intemperance, and that who had charge of the union houses in every part of the country testified to the fact that the ranks of paupers under their care were swelled by the existence of that terrible

It was also alleged that much of the trouble in the way of spreading disease, especially of that worst of diseases, was shown itself in insanity, by that intemperance. Therefore, as the occasion was so grave, and had so much to do not only with the morality but with the social safety of the country, he felt led in asking their Lordships to receive in the regular and appointed way these allegations were true or not; and whether, if true, anything should be done, either by direct legislation or by distinct appeal to the right of the country, to mitigate this evil. He was aware that questions connected with this subject had been mixed up with a great deal of controversy, and that exaggerated statements had been made. He was aware that it was not uncommon to speak, perhaps, in stronger terms than it was at all desirable for those who were engaged in what was only called the liquor traffic. He was aware especially that many of those who had embarked their capital as brewers or distillers felt very sensitive to the way in which they were spoken of, and some of those who had interested themselves in promoting the temperance movement;—and certainly from his own personal acquaintance with gentlemen engaged in this trade, he thought there was great exaggeration, and an undue tendency to regard them as responsible parties which they were as anxious as lives to prevent. It might, indeed, be tortuous that all those engaged in the production of those things from which brewers and distillers formed their liquor were equally responsible; for certainly there were no malt and no hops there that did not be a great deal of brewing. The men who were engaged in the liquor traffic, in its higher departments at least, he thought there were none who ought to be so much interested in

such investigations as he asked their Lordships to give him as the brewers and distillers of this country. If it should be the case that by calling attention to the way in which their public-houses were disposed of a way might be found to mitigate this evil, he could not but feel confident that when their attention was directed to a matter in which as Christians and as patriotic Englishmen they were interested they durst not for conscience sake submit to take part in what was degrading and ruinous to the country, but would be as ready as any others to meet any proposal that was made in order to diminish the spreading. Still less could he assent to the allegation that it was the character and condition of the English working man that was the cause of this widespread intemperance. The English working man bore a high character in the civilized world. Most of the occupants of the Episcopal Bench were acquainted, through personal intercourse, with the labouring population of this country. As to the agricultural labourers, he should be surprised if it were denied that in the agricultural labourers of England were to be found many of the best specimens of English citizens. He should be surprised if any one denied that in almost every village you might find a man who lived by the sweat of his brow and the labour of his hands who was as much interested in the welfare and education of his children as any of their Lordships were, who was a regular attendant in his place of worship, and who cultivated those habits of frugality which had made working men in various parts of the country rise from the lower positions which they originally occupied to a place among the foremost of the land. He believed that our labouring population in the rural districts was not behind the labouring population of any country in Europe or in the world, and that therefore if intemperance had degraded the working men in the rural population of England, it was not from any defect either in their character or in the circumstances in which they were placed, but from some dangerous influence which it was possible to remove. Those of the Clergy who were acquainted with our urban mechanics knew that among them were men whose conduct and habits were irreproachable, and who

were deeply interested in the welfare and the education of their children. If that were the case, how were the strange and somewhat piteous stories to be accounted for of the way in which the increase of wages had plunged the working man into every sort of reckless excess? A friend of his who had great experience of the habits of the population of Australia had made to him a remark which perhaps threw some light upon the subject. He told him that the first effect of the gold discoveries in that country had been to induce the people to plunge into vicious extravagance and intemperance, for they had no idea of any other sort of indulgence; but in the course of a few years matters had righted themselves, and men began to understand that there were better ways of spending their money than by indulging in drink and vice. The result, therefore, was that the people of Australia were largely and permanently benefiting by the rise of wages in that country. He trusted that events would run the same course in this country, and that we might anticipate safely that the ultimate prosperity of the working men would be increased by the rise in wages. In the meantime, however, we were bound to do all we could to protect the working man against temptation. And here he wished it to be understood that he was speaking not alone of the temptation as it affected the lower classes, but of the temptations to selfish indulgence and to vice that were offered to all classes of society. We lived in an age in which the luxury of the rich was largely upon the increase, and therefore it was not surprising that the working man or the agricultural labourer should seek for luxury in his own way, which led too often to his degradation. He would only slightly refer to the various modes which were pointed out in the documents to which he had alluded as being calculated to palliate or to remedy these evils—because it would be the business of the Committee which their Lordships would probably be kind enough to grant him to recommend the steps that should be taken to check intemperance. No doubt if we could by any means increase the comfort of the labouring population—if we could make their homes more suitable as the homes of English citizens—if we could secure for them good houses and more abundant

and cheaper food—we should do much to check drunkenness;—because the man who lived in a comfortable home and ate plenty of wholesome food was not so likely to seek for amusement or for the palliation of his sufferings in unwholesome drink. He recollected that some years ago, when the Western Islands of Scotland were visited by famine, more whiskey was said to have been drunk in those Islands than had ever been consumed there before; and the conclusion he drew from the fact was that starvation, and not prosperity, was the chief incentive to drink, because people drank to enable them to forget their misery for a time. Therefore, he believed that by improving the habitations of the poor, and by giving them sufficient food, we should be approaching a great and beneficial result. Nevertheless, he urged that we were bound in the meantime to diminish the temptations to drink which were brought strangely near to the doors of every person under the present system. Enormous sums were expended in the erection of work-houses, and if it were true, as was alleged, that a large proportion of our pauperism was caused by intemperance, then we were being put to a large and an unnecessary expenditure in consequence of intemperance and of the temptation afforded by the unrestricted number of public-houses. He was given to understand that the adulteration of the drink of the people was in itself an additional incentive to intoxication, and was therefore one of the main causes of our pauperism and all its attendant miseries. Under these circumstances, he could not help thinking that it would be wise for us to look narrowly at the system under which our public-houses were licensed, and to consider whether some restraint could not be put upon adulteration of the drink sold in them. We should further consider whether beershops should be allowed to exist, and whether we should permit spirits to be sold at various shops, as was done under the existing law. We could not pass through any county in this country without seeing large lunatic asylums, and if the allegations made in the papers before him were accurate, a large proportion of the inhabitants of those buildings were the victims of intemperance. We were spending much, and

were likely to spend more, in this country upon education; but there was a strange something in the public money being spent in erecting side by side schools, workhouses, and lunatic asylums—the former intended for the education of the people, and the two latter to receive those whose evil example tended to counteract the good that education would do. For these plain and common-sense reasons, which appealed to every man's experience, he felt confident their Lordships would not refuse to consider this very important question, but would, without hesitation, grant him the Committee he asked for.

*Moved*, "That a Select Committee be appointed for the purpose of inquiring into the prevalence of habits of intemperance, and into the manner in which those habits have been affected by recent legislation and other causes."  
—(*The Lord Archbishop of Canterbury.*)

LORD HOUGHTON said, he could not but think the inquiry proposed by the most rev. Primate was most desirable. He was glad also to hear in the speech of the most rev. Primate such testimony to the zeal of the Clergy of the Church of England in the cause of temperance, and they would be supported in their efforts by the ministers of all other denominations. One of the principal advantages which he anticipated as likely to arise from the inquiries of the Committee was that the opinions of the most competent medical authorities would be obtained on the subject. He attached the greatest possible importance to the results of medical experience, and it was in this direction more than any other that he looked for a remedy likely to correct an evil which all deplored.

THE BISHOP OF CARLISLE said, he looked upon the Memorial to which reference had been made as of the greatest possible importance—it was signed by many of the most eminent clergymen in this country. But he desired to remark that although the Clergy had taken up this question very strongly, it would be a mistake to regard it as an exclusively clerical question:—it was practically a lay subject. All ranks of society, from Members of Parliament down to the ranks of the working classes, had of late years evinced a lively interest in the checking of intemperance; and he had been greatly struck by the

enthusiasm with which the subject had been taken up by large numbers of working men in that part of the country with which he was immediately connected. He might go further, and say that the publicans themselves, or some of them—for there were respectable members of that as of all other trades—had shown a desire to diminish the evils which were clearly traceable to the sale of intoxicating drinks. He thought that the inquiry asked for in the Memorial of the Clergy could not in so many terms be granted. A measure intended to deal in any form with a restriction of the trade he would not say would have a very bad chance of success, but would come with a certainty of failure from what was called the right rev. Bench. They might, however, well ask their Lordships' House to appoint a Committee to inquire into the subject. What struck him, in looking at debates in the House of Commons, was the extreme uncertainty which often existed as to the facts of the particular question under consideration. For instance, in the recent debate on Sir Wilfrid Lawson's Bill the question whether temperance was or was not on the increase was—the assertions on the subject were so much opposed—left in doubt. It was important that they should know which way they were going. If the great increase of intemperance they had heard of was due to the higher rate of wages received by the working classes, and would decrease as that rate went down, the case was not so bad as if the increase went steadily on. Inquiry would throw light on this important matter. For himself, he trusted that as education spread, as men became more civilized, as they had more opportunities of improving their minds, and knew better what to do with their money, intemperance would more and more decline. But it was well to look the case in the face. He altogether disbelieved in the notion of making men temperate by Act of Parliament; but still they might make men intemperate by Act of Parliament. One point of the inquiry should be as to the effect of what was called the system of grocers' licences to sell spirits. From the accounts that had reached him, under that system women had an opportunity of obtaining spirits which they had not before, and many families had been made wretched and placed in poverty in



consequence. Inquiry should also be made as to the result of the present system of treating persons taken into custody and imprisoned on charge of drunkenness. Then, again, he believed that a great deal of illicit drinking took place in what were called "hush houses," where intoxicating liquors could be procured after the public-houses were closed. A great amount of drunkenness was, he believed, to be traced to that cause. It seemed to him and to all to whom he had spoken on the subject that a Committee of their Lordships' House was the best tribunal to conduct such an inquiry. By a fair, impartial, and elaborate investigation a mass of facts might be secured which, whether they led to legislation or not, could not but be most beneficial to the country, and invaluable to those who sought to advance the cause of temperance.

THE EARL OF ABERDEEN said, that the desire for inquiring into the subject under their Lordships' consideration was not confined to any part of the United Kingdom. Petitions had been presented from Scotland praying for a searching investigation; and though they suggested a Royal Commission, he was sure the Petitioners would be altogether satisfied with a Committee of their Lordships' House. The nation, he thought, was greatly indebted to the 10,000 clergymen of the Church of England who had presented the Memorial which had been referred to, and to the most rev. Primate for having brought the subject forward.

THE BISHOP OF PETERBOROUGH said, that when the subject of temperance was brought before their Lordships on a former occasion he obtained an unexpected and undesirable notoriety in consequence of an observation he then made. As, however, he retained very strongly the opinion he then expressed, he feared he must incur still further unpopularity by stating that his opinion was unchanged—and, indeed, strengthened—by what he had heard since. Nothing but a very deep conviction of the soundness of those opinions would induce him to incur fresh unpopularity by repeating them on the present occasion. He had ventured to say—not as a simple and general proposition—that he preferred freedom to sobriety—as if there would be any natural antagonism between freedom

and sobriety, and as if a man could not at the same time be perfectly free and perfectly sober—but that if he should ever be compelled to make his choice between freedom and sobriety, then in that case he should prefer freedom. He never could support unwise or injudicious legislation which tended in the direction of suppressing freedom, even if by that legislation were gained the advantage of sobriety. He might gain this advantage of sobriety by imprisoning every man and woman and keeping them on bread and water; but that would be a degree of interference with the liberty of the subject which would induce the strongest advocate of temperance to say that he preferred freedom to sobriety. Upon this question of legislation in regard to intemperance he could not too heartily thank the most rev. Primate for having, with his usual moderation and wisdom, refrained from attempting any hasty legislation. It appeared to him that this kind of legislation for the suppression of intemperance had reached a very dangerous point. Every one was saying that the Legislature ought to do something, but no one was able exactly to say what the Legislature ought to do. When this was the case the Legislature was extremely likely to do something that had better be left undone. He remembered, for example, that some of the measures now complained of as tending to promote intemperance were passed originally in the interests of temperance. That fact ought of itself to "give us pause," and make the Legislature very careful how it tried legislative experiments over the whole country upon so large and difficult a social question as the enforcing of sobriety. He did not say this in order to deprecate the appointment of the Committee, which he trusted their Lordships were about to grant, because one of the results of the investigation would be clearly to show what were the possible limits of legislation on this subject. He believed for himself that there was too great a tendency in the present day to clamour for legislation—too great a tendency on the part of those who were gaining political power in the State to believe that legislation could do everything for them, and that as little as possible was to be done by themselves. And this very class, from their habits and many of their associations, were perhaps

less sensitive upon the point of personal liberty than others. So far from working men being jealous of their personal freedom, the habits acquired in Trades Unions led them to sacrifice that feeling for other things. They were, from their connection with Trades Unions, too apt to regard the State as a great Union, and were too willing to give up their own freedom and endanger the freedom of their neighbours by bringing about some larger and sweeping action on the part of the State. He could not help feeling great anxiety when he saw the deep enthusiasm which this question had stirred in the minds of the working classes, and observed how many of them were pressing on the attention of Parliament measures that were crude and dangerous. For these reasons, he was anxious that any legislation should be based on the most careful and exhaustive inquiry that could possibly be made. The difficulty attending upon all legislation on this question of temperance was the difficulty specially attendant upon all legislation when it was directed, not for the suppression of crime, but for the suppression of vice. There was no class of subjects so difficult and so dangerous for the Legislature to meddle with as that class in which the law was called upon to deal with vice, or that debatable and ill-traced ground where vice may be on the verge of passing into crime. The difficulty was this—that if the vice were widespread and national it would have, not one cause, but many—perhaps very many; and if they attempted to reach it by wide, sweeping, and stringent legislation they would not, probably, carry with them the public feeling and opinion of the nation. Then legislation would in that case be in advance of public opinion, and it would be in danger of provoking a perilous reaction in favour of the very vice which they desired to suppress. If, on the other hand, public opinion was so hostile to the vice that it was prepared to accept measures sufficiently drastic to deal with it, then the nation hardly needed such measures at all. That was not a reason against all legislation, but a reason why they should be extremely cautious how they did legislate. It seemed to him that the legislative remedies lay between two extreme limits, either of which might be logically supported, and either of which

would be effectual if it could be carried out. One was the system of free licensing, which was tried at Liverpool, followed by severe penalties against adulteration, disorder, and drunkenness. It always seemed to him that there was a great deal to be said on behalf of that system; but our modern system of licensing had raised up a powerful monopoly which it was extremely difficult to deal with. The other equally logical way was by the total suppression of the liquor traffic by the Maine Liquor Law, and which, if it could be effectual, would certainly suppress the traffic. He did not believe that this would involve any interference with freedom, because the nation had the right to forbid, if it thought fit, the sale of any article whatever which it believed to be injurious. He thought, however, that neither of these plans would be successful, because it would be impossible to carry the public sentiment sufficiently in taking the measures necessary for their adoption. The matter then became one of police, for the regulation, and not for the suppression, of the liquor traffic. It would be out of order to discuss a Bill not before their Lordships; but he had been a great deal taken to task by the advocates of the Permissive Bill—who reserved all their intemperance for their speeches—and he should, therefore, like to say in a few words why he opposed this measure. His objections to the Permissive Bill were three. He believed it to be absolutely immoral, thoroughly unconstitutional, and thoroughly mischievous in its operation. It was absolutely immoral to say of a trade that it was poisonous, murderous, and destructive to society; and then to say that if two-thirds of the inhabitants wished to have this murderous, poisonous, and wicked thing in the midst of them they should have it, whether for good or for bad. That was a strange way of proceeding. When Parliament legislated against infanticide in India they declared infanticide to be wrong, and forbade it everywhere. But what would have been thought, if Parliament had passed a law declaring that if two-thirds of the people in any village in India wished for infanticide they should be allowed to have it? Surely the liquor traffic was either right or wrong. If it were right, they should allow it everywhere; if wrong, they should forbid it

everywhere. But to make the right or the wrong to depend upon the majority in the streets appeared to him to be perilous to morality, if not positively immoral. It also seemed to him to be decidedly unconstitutional that men should be governed, not by a representative government, but by a personal government—by a *plébiscite* and by a vote of the streets. How could this system work? Let him give an instance. An eminent ecclesiastic of whom he wished to speak with every respect—Cardinal Manning—advocating the Permissive Bill on a great platform, said that the ratepayers ought to exercise the same rights as the owners of property, and ought to forbid anything being done in their town which any individual might forbid to be done on his own property. Now, he had been living for three years in a town the inhabitants of which had little fear of liquor, but had a great fear of the Pope. He was certain that the majority of the inhabitants would not assent to the suppression of the liquor traffic; but if that eminent ecclesiastic had been a lodger in that town, and if the ratepayers had been asked by a two-thirds majority to expel him, he greatly feared there would be no doubt that they would have expelled Cardinal Manning. That would have been in accordance with the principle of the Bill, which is, that a majority of ratepayers may exercise those rights which belong to the owners of property. He protested against the liberty of any one being trusted to a vote of the streets, and he claimed for every one in this Kingdom the right to be governed by representative government, which was the essential condition of freedom. Such a measure would be mischievous, because of the secret and illicit intemperance it would provoke and the incessant quarrelling it would produce in every town of the Kingdom. Having shown that he was not altogether that apologist of intemperance and defender of abandoned publicans which he had been described, in consequence of the speech to which he had referred, he would say a word as to the other causes of intemperance which were referred to in the Resolution. He was satisfied it was far more to those other causes we must look for the prevention or the cure of intemperance than to any legislation with respect to the licensing of public-houses. The causes

of intemperance were very many—they were social, economical, educational, and in some senses touched upon religion. It was to the elevation of the sanitary, social, religious, and moral condition of the poor far more than to laws respecting the licensing of public-houses that we must look for the suppression of intemperance. The advocates of teetotalism told the poor man to drink nothing but water; but was he always sure of getting water to drink? Men were told to drink water, and in many places for water they were given diluted sewage. The poor man was told to stay at home and enjoy the society of his wife and children; but what manner of home was it he was to stay in? What sort of place was the one room where the man wearied with toil was to spend his evening in the presence of a wife as weary with toil as he was, and of half-educated children? What sort of attractions were there at such a home compared with those of the public-house, from which the poor man was rightly asked to stay away? We hardly did justice to the heroism and self-denial of any poor man who did stay away from the public-house. The man who did that denied himself of much which many of their Lordships could hardly bear to be deprived of. Many of them would bear with less equanimity banishment from the club, though they expected the poor man to bear banishment from the public-house. As far as this was a question of education, we must elevate men to the enjoyment of higher pleasures than the mere indulgence of the appetite. It might also be a question touching upon religion and suggesting inquiry how far we might relax our ideas of the relaxation to be allowed to the poor man on Sunday. All these questions—social, religious, economical, and sanitary—reached very far and deep under the complicated roots of our modern civilization, and he believed the hopes of those who were opposed to intemperance lay in the very diversity and extent of these causes. For that reason we never could tell from what source help might come to us. As the sources of intemperance were many, so would the remedies be various. He was quite sure it would be through the labours of the Clergy, who had signed the Memorial, in their parishes and schools, and in efforts to elevate the condition of the working classes and

purify and make beautiful their weary labouring lives, quite as much as through passing Acts of Parliament, we should at last grapple and, he trusted, by God's blessing, destroy the great curse of our nation, intemperance.

THE EARL OF BELMORE was glad that the most rev. Prelate had brought this Motion forward. The subject was one which had excited much interest in Ireland, and had occupied the attention of the Synods of the Irish Church. He hoped that the Committee, if granted, would extend its inquiries to that country. He agreed with a good deal that had fallen from the right rev. Prelate who spoke last, and he was sensible that this matter involved questions not only of temperance, but also of Revenue and of social convenience. He thought it well, therefore, that there should be an inquiry into the subject by a Select Committee.

THE MARQUESS OF SALISBURY said, they were indebted to the most rev. Primate for the very moderate and temperate speech in which he introduced a subject which was peculiarly fitted to excite angry discussion. It was idle to treat those who produced and distributed spirituous liquors as if they were in a position morally worse than any other members of the community who might be employed in producing and distributing articles for which there was an innocent demand. We might just as well make accusations against a man who sold powder and shot, because somebody bought powder of him for the purpose of committing a murder; or depreciate the character of those who sold arsenic for poisoning rats, because occasionally it was used for other purposes. The most rev. Primate very rightly disclaimed any sympathy with those attacks upon the labouring classes of this country which were occasionally associated with this discussion. He did not think, considering their numbers compared with those of the rest of the community, there was any ground for saying—if we looked over a very long period of time—that they had any monopoly of the vice of intemperance. No doubt the subject was surrounded by the greatest possible difficulties. No one who kept his eyes or his ears open could deny the existence of the evils of which the memorialists complained. This was not in any sense a clerical question. It was not from clergymen alone that they heard of the

evils which had been caused by drunkenness:—they heard of it in every direction—magistrates on the bench, Judges of Assize, who were best conversant with the classes out of whom our criminals were mainly drawn, assured them that by far the largest part of the crime of this country was due to intemperance. He thought also that a great deal of the pauperism that existed was attributable to the same cause. It was also charged with the increase of lunacy. That, no doubt, was to a certain extent true; but it was a moot point with the best authorities. The scramble for modern life—the pace at which we all lived—was supposed by many to have had a large share in the increase of that terrible curse. If it had pleased Providence that no such thing as alcohol should have ever existed, the world might perhaps have been the better for it; but it was a great step from that to say that Parliament ought to make the world the same as if alcohol did not exist in it. It did exist, and it must be taken into account. We could not make our Legislature play the part of a paternal Providence. The general arguments against paternal legislation were so well known, and they had formed part of the political inheritance of this country so long, that he would not waste their Lordships' time by repeating them. But the Legislature had tried its hand at paternal interference on that particular question, although on other matters it ordinarily abstained from it; it had done its best to make the people sober, and after every effort it had made there had been a great outbreak of intemperance—whether in consequence of those efforts he could not pretend to say. The Duke of Wellington's Government in 1828 thought to effect a great reform by the creation of beer-houses; and they had heard ever since of nothing else but that the beer-houses were the great source of intemperance in this country. Then, a few years ago, Sir Henry Selwin-Ibbetson brought in a measure to diminish the number of beer-houses; and now it was said that that was the cause of the recent outbreak of intemperance. Mr. Gladstone in 1860 also had his specific for the cure of intemperance. It was one of a somewhat recondite and subtle character—namely, allowing brandy to be sold by grocers; but great reliance was placed on it at the time, and much ridicule was cast on those who suggested

that it would produce greater insobriety than before. He was not censuring Mr. Gladstone's measure, because he had himself agreed with it, and thought it would be a good one. But now they heard that the sale of brandy in grocers' shops was introducing an amount of intemperance, not at the public-houses, but in the homes of the working classes which threatened the most serious consequences. It was, moreover, not a species of intemperance which was confined mainly to one sex, but it could be indulged in secret, and they were told that the opportunity had been used to a terrible degree by women. With those failures, then, before them, they must look to legislative proposals with some caution and apprehension. Even if they could reconcile themselves to the doctrine that it was the business of the English Government to be paternal, and to correct—if he might say it without irreverence—the action of Providence in the creation of alcohol, the wrecks of their past failures, should warn them of the difficulty of the task they had undertaken. Another danger which a right rev. Primate had eloquently indicated was the falseness and viciousness of the principle which any careless or despotic legislation on that subject would introduce. It was not merely that they were asked to direct their legislation against vice—that would be a sufficiently dangerous innovation—they already punished drunkenness; but they were asked to go a step further and punish people who did that which was innocent that the guilty might not fall into vice. They were asked to prevent the use of those liquors in order that those who could not restrain themselves should avoid their abuse. Whether that was right or wrong philosophers might dispute, but certainly it was an absolutely new principle in our legislation. They were all very anxious to prevent the vice of gambling, and they had legislated against it. No doubt gambling carried frightful evil to many homes; but what would be thought of a proposal to put a heavy penalty on the possession of a pack of cards? What, again, would be thought of a law rendering it penal to make a bet on a race-course, because such practices sometimes ruined families? Unless, therefore, they looked carefully where their principles would land them, they would find themselves venturing upon dangerous paths. He

*The Marquess of Salisbury*

mentioned these things to indicate the difficulty which surrounded further action in that matter rather than to deprecate the proposed inquiry. The Government did not entertain any very sanguine hopes from that inquiry, or they would have suggested it themselves; but when it was asked for, as it now was, by such high authority, they did not think it right to oppose it. On the contrary, they would assist it as much as they could—especially as it was sought not so much with a view to legislation as to ascertain the facts. For himself, he did not look to legislation as the means of getting rid in any great degree of this great evil. The agitation on this subject, though originating in laudable feelings, was not wholly reasonable. No class could very well bear the sudden arrival of unexpected prosperity; and those who found their income suddenly and largely increase would be tempted towards indulgence. He could confirm what had been said as to the effect of the sudden accession of wealth caused by the gold diggings in Australia, for he happened to be there at the time. The first outbreak of intemperance was fearful, but the authorities put down drunkenness with the strong hand—the rough-and-ready expedient of burning down the grog shops at the diggings was resorted to; and as those interested in the grog shops naturally disapproved of such summary proceedings, sometimes sanguinary results ensued. But as soon as this was done it was found that all the roads leading to the diggings were covered with men lying in a state of intoxication; for when the grog shops were closed the digger went to the nearest town in quest of liquor, and there took in gross what he had not been allowed to take in detail. Sometimes the digger made his way to the nearest public-house, deposited all his money or a nugget on the counter, and said—"Waken me when I have drunk all that;" and when it was all exhausted he would go back to his work. That was an illustration not only of the futility of such legislation, but that any sudden accession of wealth would demoralize any class, and especially the class that was the least instructed. They should not, therefore, be too much discouraged if the great and sudden increase of wages in the North of England a few years ago had exposed the work-

lasses to some additional tempta-

One great remedy to which he d was religious teaching, and there he had heard with satisfaction of Memorial on that subject which had signed by so many thousand clergy- for although it might be unwise ik for fresh legislative restriction, he motives which had induced them as that matter on the Legislature l doubtless prompt them to do all possibly could in other directions to aplish that which they could do r than any other men in the King- -namely, to stem the torrent of perance. Everything which im- d either the social or the intel- al condition of the people would to diminish their craving for drink. hose remedies they must chiefly

but even in regard to the applica- of those remedies the proposed ry would probably be of value; f it were conducted with a desire to in from those controversies which tended to obscure that question, it l, he hoped, promote the welfare of whom they all desired to benefit.

RD ABERDARE said, he under- that one of the objects of the nittee would be to ascertain whether perance had increased or not; but ough the question of increase of perance was one that could not be d by statistics. No doubt mere s went to prove that such an in- e had occurred; but then it must membered that it was but a few that the new Act had been in tion; and that before it was passed egister of convictions was much loosely kept than it was now. For wn part, he would assert that of ears there had been a most marked vement in the moral tone of the ng men on the question of temper- and he had heard the same many employers and others with he had spoken on the subject. years ago drunkenness was hardly lered a vice by the working classes, ow it was scarcely mentioned with- a feeling of shame. Before the ug of the Act of 1872 there were 00 cases of drunkenness; and after assing of it they increased to 00, but that increase in the num- must not be attributed to more in- urance, but to the greater accuracy statistics and to the more effectual tion of the law. No plan had yet

been discovered by which drunkenness could be prevented. He did not think the number of public-houses had any- thing to do with it, and he did not believe it signified a bit whether in a town of 50,000 or 60,000 inhabitants there were 200 public-houses or 300. It was notori- ous that it was not in the towns which possessed the most public-houses that drunkenness chiefly prevailed. In Bristol, for instance, which abounded in public- houses, yet drunkenness did not exist to so large an extent there as in some Lan- cashire towns in which there were fewer. The fact was that temperature as well as olimate had a remarkable effect, and if men wanted to drink they would find opportunities even if the public-houses were reduced one-half. The most effi- cient remedy he had heard of was in a town in Sweden, once, notorious for drunkenness, where the public-houses were bought up, and then placed under the management of persons who had no pecuniary interest in selling intoxicating drinks. He was glad that the Govern- ment had acceded to the Motion of the most rev. Primate for the appointment of a Select Committee.

Motion agreed to.

And, on July 21, the Lords following were named of the Committee:—

L. Abp. Canterbury.	V. Hutchinson.
D. Westminster.	V. Canterbury.
E. Shrewsbury.	L. Bp. Peterborough.
E. Shaftesbury.	L. Bp. Exeter.
E. Onslow.	L. Bp. Carlisle.
E. Morley.	L. Penrhyn.
E. Kimberley.	L. Aberdare.
V. Gordon.	L. Cottesloe.

The Committee to appoint their own Chair- man.

SLAVE TRADE BILL.—(No. 135.)

(*The Marquess of Salisbury.*)

SECOND READING.

Order of the Day for the Second Read- ing, read.

Moved, "That the Bill be now read 2<sup>d</sup>."  
—(*The Marquess of Salisbury.*)

THE EARL OF NORTHBROOK agreed with the noble Marquess that the rulers of the Native States as well as Her Majesty's Government were most de- sirous to suppress the slave trade. He did not know as to whether any corres- pondence had taken place on the subject between Her Majesty's Government and the Indian Government; but if there had been he thought it ought to be laid on

the Table before their Lordships went into Committee on the Bill.

LORD STANLEY OF ALDERLEY said, that the consent of the rulers of Indian States ought to have been obtained, and might have been obtained, for the jurisdiction the Bill proposed to assume; this was the more evident from what had been said by the noble Lord who had spoken last, since he said that the rulers of the Native States desired to suppress the slave trade. Great hardships might be caused by this Bill, since the term slave trade would affect not only the Banyans who advanced money in Zanzibar for carrying on the traffic in negroes, but also any Indian who might have in his house a woman that this Bill would call a slave, though she might form part of his family. Such a case had occurred; an Indian who was not a British subject had been sent as a prisoner to India, from Zanzibar, by the British Consul on account of a slave girl. This man had died a prisoner, and the case which had been related to him by Asiatics was looked upon by them as one of great injustice.

THE MARQUESS OF SALISBURY, in reply, stated that the position of the Native Princes of India was not only different with regard to each other and with regard to the Queen, but was unexampled and unparalleled. He did not think that they would view with favour a revision of the existing Treaties on the ground put forward by the noble Lord (Lord Stanley of Alderley.) No correspondence had been had with the Indian Government on the subject of this Bill, and, therefore, there was not any to lay upon the Table.

Motion *agreed to*; Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at half past  
Seven o'clock, to Monday  
next, Eleven o'clock.

## HOUSE OF COMMONS,

*Friday, 30th June, 1876.*

MINUTES.]—SUPPLY—considered in Committee  
—CIVIL SERVICES (FURTHER VOTE ON ACCOUNT).

*The Earl of Northbrook*

PUBLIC BILLS — *Resolution in Committee — Ordered*—Local Loans (Ireland) [Extinguishment of Debts, &c.] \*.

*Second Reading*—County of Peebles Justiciary District (Scotland) \* [212].

*Select Committee — Report*—Toll Bridges (River Thames) \* [77-219] [No. 328].

*Considered as amended*—Medical Practitioners \* [81].

*Third Reading*—Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.) \* [195]; Oyster and Mussel Fisheries Order Confirmation \* [186], and *passed*.

## CONVICT PRISONS (IRELAND).

### QUESTION.

MR. FRENCH asked the Chief Secretary for Ireland, Whether his attention has been drawn to the report of the Directors of Irish Convict Prisons for the year ending the 31st December 1875, and to the recommendation made therein in consequence of the uniform good conduct and very satisfactory discharge of their onerous and responsible duties by the officers of the convict prisons, that those officers should as regards retiring allowance be placed on as advantageous terms as county prison officials; and, whether he is willing to give effect to these recommendations?

SIR MICHAEL HICKS - BEACH: My attention, Sir, has been called to the recommendation as to retiring allowances to officers of convict prisons contained in the last Report of the Directors of Irish Convict Prisons. The wardens of Irish convict prisons are superannuated on the same scale as the English convict prison warden, both coming, as Civil Servants, under the provisions of the Act of 1859. The question must, therefore, be considered as a whole, and I am not prepared to make any proposition with regard to it.

## POST OFFICE—PROVINCIAL CONTINENTAL MESSAGES.—QUESTION.

MR. GRIEVE asked the Postmaster General, When it is proposed to alter the tariff for "Provincial Continental Messages?"

LORD JOHN MANNERS, in reply, said, that the question did not alone concern the English Post Office, but also foreign administrations and the Submarine Telegraph Company, and he could not, therefore, say whether it was proposed to alter the tariff. The matter was under consideration.

**TURKEY—SERVIA—THE REVOLTED PROVINCES.—QUESTION.**

**SIR CHARLES W. DILKE** asked the Under Secretary of State for Foreign Affairs, Whether there is any truth in the rumour that the Grand Duke Vladimir of Russia is with the Servian Army on the Turkish frontier?

**MR. BOURKE:** So far as Her Majesty's Government can ascertain, there is no truth in the rumour.

**FRANCE—SUGAR CONVENTION, 1875. QUESTION.**

**MR. GRIEVE** asked the Under Secretary of State for Foreign Affairs, What answer, if any, has been received from the French Government in regard to their proposal to have a fresh conference on the Sugar Convention, and concurred in by England and the Netherlands; and, if no answer has been received, whether Her Majesty's Government will press for an answer?

**MR. BOURKE**, in reply, said, that an answer having been received from the French Government, negotiations were going on as to the terms upon which Her Majesty's Government would accept a Conference, and when those negotiations were completed he would state what was their nature.

**THE PRISONS BILL—PRISON CHAPLAINS.—QUESTION.**

**MR. ANDERSON** asked the Secretary of State for the Home Department, If the account given in the "Times" of the 24th, of his reply to the Howard Deputation on the Prisons Bill, is substantially correct; and, whether that reply means that Government intend to deprive the local authorities of the power of appointing the prison chaplains, and also to deprive the local authorities of all control over the number, emoluments, and conditions of appointment of these officers?

**MR. ASSHETON CROSS**, in reply, said, that by one of the clauses of the Bill, the appointment of all the officers was proposed to be transferred to the Secretary of State; but by a subsequent clause the appointment to subordinate offices was vested in the Prisons Com-  
and not in the Secretary of State  
he had said was that, as

far as the appointment of subordinate offices was concerned, he had no objection to such appointments being left to the visiting justices. That, of course, did not apply to chaplains.

**SUPPLY.—COMMITTEE.**

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

**AN IRISH PARLIAMENT.**

**MOTION FOR A SELECT COMMITTEE.**

**MR. BUTT**, in rising to move—

"That a Select Committee be appointed to inquire into and report upon the nature, the extent, and the grounds of the demand made by a large proportion of the Irish people for the restoration to Ireland of an Irish Parliament, with power to control the internal affairs of that country,"

said, the Home Rule Motion that he brought before the House, by a strange coincidence two years ago that very day, was merely a preliminary to a direct Resolution in favour of a separate Parliament in Ireland, and no one could be expected to vote for the Resolution who was not prepared on going into Committee to support in one form or another the establishment of a separate Parliament for Ireland. He was on that occasion defeated by a very large majority; but the Resolution he now proposed was one entirely different in character, and one which might obtain the support of hon. Members who were not prepared to give any assent to the principle of Home Rule for Ireland. It was simply a Motion that a Select Committee should inquire into that which he believed the House ought to think demanded inquiry. He had demanded inquiry because this fact was unquestionable—that a majority of Irish Members had been returned to that House pledged to ask for a separate Parliament for Ireland. He confessed that was a fact which, considering the relations of that country, ought to call for the attention of the House, and to induce the House to grant the inquiry he asked. He might say he did not propose to refer to a Committee the question whether it would be right to give Ireland Home Rule. He merely proposed that a Select Committee should be appointed to inquire into matters with which it was necessary to be ac-



quainted to enable the House to decide on that question. In olden times an inquiry of this nature would have been conducted at the Bar of the House, but he had no objection to the substitution of a Committee of Inquiry. It was not his intention to go into the general question of the Parliamentary relations between England and Ireland. He might take up the question at a very recent period, when the demand which was adverted to by the Resolution he was about to move was first made by the Irish people. After the fruitless suppression of the attempted insurrection in Ireland in the years 1866 and 1867, some gentlemen in Ireland believed the time was come when an attempt ought to be made to satisfy the wishes of the Irish people on the subject of the administration of their own affairs, without interfering in any way with the integrity of the Empire or shaking the securities that maintained the connection between the three Kingdoms. In November, 1873, these efforts resulted in the representative Conference of those who took the view of the originators of the movement, and he would ask the attention of the House to the requisition which was signed on behalf of that Conference. The requisition was signed by 25,000 persons, and no one who knew Ireland could deny that these signatures were eminently representative of the different localities of Ireland. The requisition declared that it was necessary for the peace of Ireland, and would be conducive to the welfare of the United Kingdom, that the right of domestic legislation over all Irish affairs should be restored to that country; that she should have the right and privilege of managing her own affairs by a Parliament assembled in Ireland, having the right of controlling the Irish resources of revenue, subject to the obligation of contributing their portion to the Imperial Revenue, but leaving to the Imperial Parliament the power of dealing with all questions affecting Imperial legislation, regarding the colonies and dependencies, and all matters appertaining to the defence and stability of the Empire, and in no way interfering with the Prerogative of the Crown. In accordance with the requisition a Conference was held on the 18th of November, 1873, which lasted four days, when the principles which he had just men-

tioned were unanimously adopted in the shape of eight resolutions, and in the demands made by the Irish people, whether they were right and expedient to grant or not, there was something very different from, and, in fact, directly opposed to, separation between the two countries. He believed the proposals embodied in the resolutions would, if passed, strengthen the connection between the two countries. There was also in the demand something entirely different from what was proposed by Mr. O'Connell. The proposal was, that there should be a Parliament in Ireland exercising over Irish affairs the same dominant control that had been exercised by the Parliament of Canada over Canadian affairs, and the Parliament of Australia over Australian affairs, and as was exercised in every colony by colonial Parliaments. It was also proposed that the House of Commons, constituted as now with an infusion of Irish Members, should continue exactly as it did now to administer the affairs of the Empire, everything relating to the Crown, our relations with the colonies, and all matters connected with Imperial defence. That, he believed, would be a better arrangement for Ireland than the state of things which existed before the Union, and he, for one, was not willing to give up his share in the power and government of that Empire, and really since the Union he did not see how it was possible to give it up. Since the Union the wars which had brought possessions to England had been carried on by the spending of Irish treasure and the shedding of Irish blood. India had been won by the British Empire in the same way, and Ireland had acquired with England partnership rights which it would be impossible to distribute, and of which Ireland could only have her share by continuing to be represented in the House. There had been, he would add, a long trial of the Union between the two countries, and he would confidently ask, after the experience of 76 years, whether the expectations which had been held out in 1800 had been realized? Ireland was then told that she would share the wealth and freedom of England, that Irish discontent and disaffection would vanish, and that if ever again that French came to our shores—for the French were then the enemies of England—they would find no ally in

*Mr. Butt*

Ireland. Had that result been accomplished? His answer was, that at the end of 76 years of union with the richest country in the world Ireland was, in proportion to her capabilities and resources, the poorest country in Europe; and at the end of 76 years' union with a nation which he believed enjoyed a greater amount of rational liberty than any other, she was still subjected to severe coercive laws, though on this point he could not use language so strong as he could have used two years ago, for he was ready to admit that, partly owing to the exertions of Irish Members, and partly through the disposition shown by that House and the Government to mitigate the severity of those laws, the code which existed two years ago had been very much modified. Still, the House should recollect that two years ago there was no liberty of the Press in Ireland, that over a large part of the country a Curfew Law prevailed, and that the people were deprived of their right to bear arms. Had the Union caused Ireland to share in the content and loyalty of England? So far from that being the case, he believed that there was in Ireland at the present time more dissatisfaction than existed in any other part of Europe, not excepting the French Provinces which had been united to Germany. Again, Ireland was the most heavily taxed country in Europe in proportion to its resources. England extracted from the inhabitants of Ireland, in proportion to their means, just double the amount of taxes that was paid by Englishmen. Such were the results of 76 years' experience of the Union. The only inequality the Union had redressed was this — that whereas it was admitted at the time of the Union that if populations were taken as a test of representation, Ireland would be entitled to 170 Members, and the inequality in that respect had been rectified not by increasing the number of Members, but by the decrease of the population. He thought he had shown that there were good grounds for asking for a revision of the Union arrangements, for no one could say that the result of the experiment had been a success. An arrangement such as he proposed had never been suggested to Parliament until two years ago. After the Conference in Dublin the whole country was surprised by the announcement of the Dissolution of Parliament.

The sudden Dissolution was assumed to be favourable to those who had seats in the House, and the Home Rule Party had to displace many Gentlemen of influence, whose absence from Parliament was, in some respects, a loss to Ireland. However, Ireland returned at the last General Election 59 Members pledged to Home Rule in the way in which it was defined by the Conference. That was a fact that enforced the demand upon the House for some inquiry into the subject, and the Motion he submitted accordingly was one to inquire into the nature and extent of the justice of that demand. In dealing with the feeling of the Irish people on the subject, it should be remembered that the 76 years which had passed since the Union had not obliterated from the minds of the people the recollection of the prosperity enjoyed by their country during the brief period of its legislative independence. It was admitted that no country had ever progressed in prosperity as Ireland had done during the 18 years that elapsed from the declaration of independence to the passing of the Act of Union. Considering the decline in every department which followed the measure, could the people be blamed for attributing the poverty and misery of their country to the loss of their native Parliament? Nor could they forget the crimes by which the Act of Union was carried. It was a most unfortunate matter for both countries that the power of that House over Ireland avowedly and admittedly rested on acts of oppression, treachery, and crime as dark and as black as had ever disgraced any European Power. In proof of this assertion he would refer to a speech delivered by Lord Plunkett in the Irish Parliament, and a Protest against the Union signed by 20 of the most distinguished Members of the Irish House of Lords, headed by the Duke of Leinster. The present was the fourth occasion on which the question of Union had been formally brought before the Parliament of the United Kingdom. In 1810 Mr. Hutchinson, one of the Donoughmore family, brought it under the notice of the House of Commons. In 1834 it was again brought forward by Mr. O'Connell in a debate which occupied 10 days, and it was again brought forward a third time by himself two years ago. He thought everybody ought to feel satisfaction at

having the question discussed, and, for his own part, he was not afraid of voting in a small minority. That lesson he had learnt from reading the speeches of Mr. Fox, who said it was a calamity to which he had become so accustomed that it had ceased to have effect upon him. Mr. Fox used this language only a very short time before he was at the head of the affairs of this country on the very same principles on which he had voted in those small minorities. With insignificant exceptions, the whole of the Irish people had adopted the plan of Federalism. Great meetings had ratified it; corporations had pronounced in its favour; Petitions had been presented on the same side; but, above all, 59 Members had been sent to this House, every one of whom was pledged to this programme. Now, he did not propose to refer to a Committee the question whether such a proposal ought to be adopted, because he should inevitably be told that he was sending the British Constitution to be dealt with upstairs. But he proposed that the Committee should collect information which would be of vital importance to the House, and which it was desirable the House should know. While he had confidence in the truth and justice of his own cause he believed it would prosper. In 1825 both Houses of Parliament appointed Committees to inquire into the state of Ireland, and the information thus collected broke down the prejudice against Catholic emancipation. In the same way the more Englishmen were brought into contact with the real nature and tendency of what Irishmen now desired, the more rapidly would existing prejudices against it be dispelled. Were a Committee appointed Englishmen would get rid of the impression that there was any wish for separation, or that he and others acting with him were not honestly endeavouring to strengthen the bonds between the two countries in that connection which was equally essential to the happiness and prosperity of both. Would the House, then, do well to refuse an inquiry which was desired by the Irish people? Did Englishmen distrust their own case, or were they going to tell the Irish people they held Ireland, not by reason, but by the strong arm of power, and that they refused every inquiry into their condition? Consider for a moment whether the Union as it

now was gave to the Irish people the benefits of constitutional government? Constitutional government meant that there should be a Representative Assembly of the people, bringing the Executive Government into harmony with the feelings of the people. He asked Englishmen carefully and calmly to consider for a moment whether Irishmen had the benefits of constitutional government in Ireland? Were they wise in excluding the Irish from those benefits? Ought they not to remove that difficulty if they could? He meant no imputation upon the present Chief Secretary, to whom he gave every credit for his efforts to adapt the Irish Government to the wishes of the Irish people. But if the right hon. Baronet were to tell all he knew of the Castle of Dublin, and the prevailing influences there, he would probably admit that the highest principle of Irish statesmanship had been to thwart the wishes of the Irish people. In short, the British Constitution, as administered in Ireland, resembled the British Constitution in its integrity about as much as some of the caricatures in the comic papers resembled the originals; between the two there was a kind of hideous and grotesque likeness, which only made the contrast the more striking. The Irish people did not even benefit by that regard for the interests of Ireland which a despotic Government might supply—such as a despotic Government gave to Paris, and now supplied to Russia—for the Government was not composed of Irishmen. A Conservative gentleman, the late Rev. Charles Bayton, speaking in 1834, had said that there was no Government of Ireland, or for Ireland, and that Ireland was considered only as it furnished a battle-field for English parties. That was the declaration of a Conservative gentleman, made in the presence of an influential assembly, many of whom were Conservatives. The late Lord Clancarty, a man of strong Conservative opinions and of large landed property, had also pointed out how totally the Union had failed to yield the benefits expected from it; how backward Ireland was, as compared with England, in education and all that conducted to national life and prosperity; and how unfavourable was the 70 years' experience which Irishmen had of English and Imperial rule, because, whereas England enjoyed the advantage of being

governed by those who were intimately acquainted with her interests, English Ministers cared little and understood less about the interests of Ireland. Coming to a very recent period, had Irish interests been dealt with in the way in which they deserved to be dealt with? Was the time given to the consideration of Irish measures really sufficient? Two years ago he proposed a measure to assimilate the privileges of Irish corporations in some small respects to the privileges of English boroughs. The Bill was assented to by the Government, passed this House without opposition, but it was thrown out in the other House; and from that hour to this he had never been able to pass the Bill. The right hon. Baronet (Sir Michael Hicks-Beach) had given his cordial assent to that Bill; but that made the case the stronger. Could such a result happen in a Parliament which did for Ireland what Parliament ought to do for her? Even at this moment there was pressing business affecting Ireland sufficient to occupy the attention of Parliament for a whole Session, and it was one of the evils of the present system that, physically, there was not sufficient time to devote to Irish Business. He would ask the House how often, upon purely Irish questions, the opinion of the immense majority of the Irish Members had been overruled by English and Scotch votes? If it happened only once or twice, it would be captious to object; but he would say it was not a good system of government when, upon questions peculiarly affecting Ireland, the voices of Irish Members were overruled in this House over and over again. Now, he would avow it, he had consulted with his Irish Friends on the subject, and the view he took of their duty was that they ought not, because they desired an Irish Parliament, to refuse to give to this House any assistance they could from their knowledge and experience of the country; and he could say for himself and his Friends that they had endeavoured to get good legislation from this House with as much earnestness and anxiety as if they never looked to an Irish Parliament. He could only say that the same labour would be applied with more advantage if they had a Parliament in Ireland and for Ireland. For instance, they prepared a Bill for Representative Boards in counties to manage fiscal

affairs; 39 Irish Members were in favour of it, only 23 against it; but it was defeated in February by 181 to 153. Many years ago he was struck by the words of one from whom he would never be ashamed to learn—he meant the right hon. Member for Birmingham (Mr. Bright), when he said that if he were an Irish Member, and had 30 people to vote with him, he would very soon obtain every measure that was necessary. On one occasion, when he instanced the difference between the municipal franchises and privileges of the two countries resulting from the Union, the right hon. Member for Greenwich (Mr. Gladstone) rose and taunted him with not seeking the redress of those inequalities in this House. He thought that taunt was a strange one, seeing that the attempt had been twice defeated by the votes of the right hon. Gentleman and his Friends. He tried again, and he was not met by the opposition of the present Government. And here he must say, with regard to the removal of coercion, that Irish Members had got better and fairer terms for Ireland from the present than from the late Government. Well, he brought in a Bill to give Ireland a municipal franchise like that of England; 41 Irish Members voted for it, 16 against; but it was defeated by 176 to 148. He maintained that it was for the Irish themselves to say who should have the municipal franchise. That was not a question that affected the integrity of the Empire; yet in this matter Irish wishes were overruled by English votes. The preponderance of the Irish vote in favour of the proposal to assimilate the county franchise was still greater. On the 28th of March 57 Irish Members voted for it, 17 against—more than three to one. It could not be wondered at if, while that state of things existed, two years ago a Motion was carried for giving aid to the Irish fisheries; but though he believed the Chief Secretary for Ireland was as anxious to do something as himself, nothing was done by the Government. When the question was again brought before the House it was defeated by English Members, for again he believed the Scotch Members voted with the Irish. Had they even now an efficient Fishery Board? Seven years ago a Royal Commission recommended that the Irish Railways should be put under a Board to insure uniform-

ity and cheap fares. In 1868 72 Peers possessing property in Ireland addressed the Government on the subject, and the same declaration was signed by all the Irish Members, except seven, who took a different view, and yet their prayer was disregarded. Had they done what might have been done for the Shannon? He believed it was still undrained; its waters were as "turbulent" as ever; and that nothing would be done in the matter until they got an Irish Parliament. Then look at the University question. Hon. Gentlemen unseated a powerful Government on that question, but there was no one who said that the University system was satisfactory to the country. Had that question been settled? Had it not been thrown upon a private individual like himself to try to settle it? But, if Ireland had an Irish Parliament, the opinion of the Parliament would have long since gone with the opinion of the country; or, if the English Parliament could properly discharge its duties to Ireland, which it never could, we should long ago have had some decision upon the Irish University question. He would not say that the Bill he had proposed on a previous night would have been passed by an Irish Parliament; but the people would have had the question discussed by their own Parliament, and the value of Parliamentary discussion, even reaching Ireland as it did now only in vague and uncertain echoes, was immense. He spoke of questions which would have been settled long ago, but Parliament had not time to attend to them. Every day since he had been in Parliament—now 20 years—there had been witnessed that of which he complained—the gradual encroachments upon the rights of discussion by private Members. Why? Not certainly because of any object on the part of Government, but because of absolute necessity arising from the mass of legislation which Parliament had taken upon itself. For instance, this year they had lost a great deal of time on the Merchant Shipping Bill, owing to the fact that Government were compelled last year to pass only a temporary Act. The pressure of business was breaking down what was once the great characteristic of that House—free discussion of the complaints and grievances of the people. This was the inevitable result of taking on themselves the work of three Parliaments. They

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could not do it. The necessity of business would eventually force the House to take some steps to alter the present arrangements. The letter of Lord Clancarty to which he had referred made a suggestion on this matter which was worthy of attention. He suggested as a preliminary step that at the meeting of Irish Members to be held in Dublin six weeks before the assembling of Parliament, a general Committee should be formed, which should report on all public Bills relating to Ireland. Due attention would thus be secured to the subject, a sense of responsibility for the work of legislation would be cast on that assembly, and measures might thus be brought forward which would lay the foundation of self-government. Lord Clancarty did not look on self-government as a wild and impracticable scheme. It had been stated repeatedly, and never denied—and when it was first stated there were statesmen living who could have denied it if it were untrue—that in 1844 a proposal was made by the Leaders of the Whig Party, then in Opposition, that Mr. O'Connell should take up Federalism; and he did take it up. How he was thwarted it was not for him (Mr. Butt) to say. What did *The Times* newspaper say in October, 1873? It said—

"If the demand for Home Rule should prove to be really the demand of the Irish people, we shall be compelled to consider the various changes and safeguards on which it will be necessary to insist."

And when the right hon. Gentleman opposite assumed the reins of Government in 1874, *The Times* said—

"Among the matters it will be an essential part of his duty to consider will be this—how far he can gratify the spirit of nationality without danger to the Empire."

On those grounds he (Mr. Butt) rested his present claim to have some alteration made in the arrangement adopted at the time of the Union. He did not wish to flatter the House, but—and he had said it in Ireland, he thought—he had observed a wonderfully improved tone towards Ireland on both sides of that Assembly. He had been in several Parliaments, and he said conscientiously and sincerely he never sat in a House in which Irish affairs were received with so much fairness and attention as they had in that. But that did not alter his opinion of the absolute necessity for changing the Union arrangements. Was

use disposed to enter upon the conciliating Ireland? If they were was no support to anything led to forward such a course he was not ready to give. But let them shut their eyes to the ices. They were dealing with a oppressed for seven centuries. ld not be in a few weeks or that the effect of misgovernment pass away. They had to deal people trained to distrust of Eng- government—a people in whose misgovernment had awakened on and a thousand rankling imans. In the words of Macbeth he say to Parliament—

thou not minister to a mind diseas'd;  
from the memory a rooted sorrow;  
out the written troubles of the brain;  
with some sweet oblivious antidote,  
se the stuff'd bosom of that perilous  
f  
1 weighs upon the heart?"

ght be told a great deal must on Irishmen themselves; and, if use did enter on the course they needed, he would say a solemn sibility would be cast on every an to use no language that would e effect of it. Parliament might We reply as the physician did in h, 'Therein the patient must r to himself.' He believed she minister to herself, and minister igher sense than that spoken of w. He believed no good inten- n the part of that House or the ment could ever supply that dge—that instinctive knowledge e wants and wishes of the people and which was necessary in legis- for her, and which could never be d by learning, only by residence , and acquaintance with, the themselves. Did history give an e of a nation wisely governed ex- her own people? To use a very sive term of *The Times*, if there is ification" between England and l they did not want a separate ment; but if there was not a tion, they did. If that separate ment was given instead of weak- it would strengthen the bonds n the two countries. But he was king for a separate Parliament. s only asking, if they were under sion, to let them have a Committee ire into the matter. What would

the inquiry do? Home Rulers were told that some of them were seeking separation. Let them be brought to the bar of the Committee. Let them be cross-examined, and if it should be found that the intelligence and property of Ireland were not favourable to his proposals, let the Committee report against them and put an end to them. Let them see whether they were of so serious a character as they supposed—of a character so serious that they would destroy the whole strength and solidity of the Empire. It was not for him to answer at once every difficulty that might be raised; but on one point to which some weight had been attached, he might say that a very little statesmanship ought to suggest a plan to dispose of Irish Members usefully whilst the House was engaged in doing English business. Give them the Committee, however. That was all they asked. Let them bring the plan he proposed to the test of reason, to the test of cross-examination, that was all he asked, and then the people of England and the Members of that House would probably see that their proposals were not of so formidable a character as they had supposed. But let them not shut the door in their faces, and content themselves by saying that they meant to rule Ireland by force as heretofore—that their principle was to be *sic volo, sic jubeo, stet pro ratione voluntas*. They might fail in their attempt now, but it would be renewed next year. Let them grant the Committee, however, and let them select a man of character like the right hon. Gentleman the Member for Oxfordshire, who had vigour enough of intellect to preside over it, and who would inspire confidence in all parties by his presence. Let them unfold their case before him, let them show if their "veiled rebellion" was what it had been called. But they would bring their rebellion without its veil; and, believing in the thorough justice of their cause, he also believed that Ireland would come out triumphant. He did not wish, however, to trespass longer on the time of the House, and he would therefore conclude by submitting the Motion which stood in his name.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words

"a Select Committee be appointed to inquire into and report upon the nature, the extent, and the grounds of the demand made by a large proportion of the Irish people for the restoration to Ireland of an Irish Parliament, with power to control the internal affairs of that Country,"—(*Mr. Butt*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. P. J. SMYTH, who had given Notice to move as an Amendment to the Resolution of the hon. and learned Member for Limerick (*Mr. Butt*)—

"That, in the opinion of this House, Home Rule, as understood by a large proportion of the Irish people, is the restoration of the Parliament of Ireland with the legislative powers and prerogatives declared, by an Act of the Parliament of Great Britain, to have been 'established and ascertained for ever' by the international settlement of 1872,"

said: I must apologize to the House for obtruding myself so early in the debate, but it is owing to the fact that two months ago I gave Notice of an Amendment. Now, however, the original Resolution itself is moved as an Amendment, thereby excluding the Amendment which stands in my name on the Notice Paper. This question of Home Rule, on the basis of Federalism, was brought before the House in the Session of 1874, and although I voted in favour of it, I felt, in common, I believe, with every impartial listener to that debate, that its advocates failed to sustain by argument the peculiar scheme of Home Rule then, for the first time, submitted in the name of the Irish people. I think it is unfortunate that, after an interval of two years, the same scheme should come before us in a form still more unsatisfactory. When a Government, whether weak or strong, refers any matter of importance to a Select Committee or a Royal Commission, ill-natured people are sometimes found to say that it is done for the purpose of shelving the matter in question. I should be sorry to attribute any such motive to the hon. and learned Member for Limerick; but what purpose, in this instance, a Select Committee can be made to serve, if not that of a coroner's inquest, does not plainly appear. The hon. and learned Gentleman, in my mind, should, on this occasion, with the permission of the House, have embodied in

a Bill his scheme of Home Rule. In that form, and in that form only, he could set forth the nature, the extent, and the grounds of his claim, and there would be no occasion to submit what he alleges to be the cause of a large proportion of his fellow-countrymen to be sat upon by a Select Committee of this House. A large number of Irish Bills, on subjects great and small, have been introduced, and some of them fully discussed this Session, and it is difficult to understand why this, the greatest of all subjects, should be presented in the shape of a Resolution which resolves nothing, and which, even if carried, would leave us as we were with regard to the very meaning of the words Home Rule. It will not do to say that the Resolution is a recognition of the principle of Home Rule, and that we must await the details; for in dealing with complex ideas the terms used to express them must be clearly defined. What is Home Rule? The most rev. Dr. MacHale has defined it as "a very ambiguous phrase;" John Mitchel defined it as "foreign rule;" Mr. O'Neill Daunt defined it as the "half loaf;" another eminent authority defined it as "the thin end of the wedge." Clearly, it is one of those rare questions where the minutest exposition of details is essential to the faintest comprehension of the principle. The word Parliament conveys to the mind the idea of supremacy; and I conceive it is incumbent on those who propound a novel scheme like this to explain clearly and categorically what is meant by those words of limitation, "internal affairs." When reference is made to a country, entitled by its position and importance to the possession of the grand institution of Parliament, the question naturally arises, what are internal and local, as contra-distinguished from external and Imperial affairs? Is control of the lines of railway communication in such a country an internal or an external affair? Is the encouragement of domestic industry by bounties or protective duties an internal or an external affair? Is the land, its settlement and its tenure, an internal or an external affair? Is the establishment or the disestablishment of a religion an internal or an external affair? Is taxation in all its branches an internal or an external affair? Is the appropriation of the supplies an internal or an

external affair? Is an annual Mutiny Bill, embodying the principle that in time of peace a standing Army could not be legally maintained in the country without the consent of the Parliament of the country, an internal or an external affair? Is the embodiment of a national Militia and police an internal or an external affair? Is the finality of the decisions of the Courts of Law and of Equity, without appeal to an external tribunal, an internal or an external affair? Is the Post Office an internal or an external affair? Is the Criminal Code, in all its ramifications, an internal or an external affair? Is Education, in all its departments, an internal or an external affair? Sir, I might extend these interrogatories; they relate to matters of detail, it is true, but this House will admit they are details which, in whatever way they may be met, are of the very essence of the principle involved in the Resolution, and which should be understood before that Resolution can be even properly discussed. If the answer to these several interrogatories be signified by the word internal, then we have before us a proposal for a Parliament; if by the word external, then we must assume that a great proportion of the Irish people, through their Representatives in this House, pray for a Select Committee to take into consideration their claims to a vestry. If the extent and the grounds of the claim for Home Rule are shrouded in mystery, I am free to admit that the nature of the claim has been with sufficient distinctness defined. Its nature is that of a Federal arrangement, by which there would be constituted an Irish Parliament for the internal affairs of Ireland (whatever they may be), an English Parliament for the internal affairs of England, and an Imperial Parliament for what may be adjudged to be external or Imperial affairs. Thus we have three Parliaments to start with; for the Imperial Parliament will differ so materially as regards its objects, its prerogatives, its construction and composition from the local Parliaments, as to be quite a distinct institution. At certain fixed periods Ireland will pour 105 Imperial Representatives into the English local Parliament, and forthwith, as if by magic, the domestic institution becomes transformed into the Imperial, internal gives way to external, and all

is turned inside out. The cock of the farm-yard assumes the eye, the beak, and the talons of the eagle, and, taking leave for a season of his hens and his chickens, he soars aloft, and from his eyrie surveys an Empire on which the sun never sets. An Imperial Parliament and an Imperial Administration, local Parliaments and local Administrations, local constituencies and Imperial constituencies; all this the hon. and learned Gentleman gravely assures us may be accomplished without serious disturbance of the existing Parliamentary system, or any fundamental change in the constitution of the Realm. The hon. and learned Gentleman is an eminent Constitutional lawyer, but, with the greatest deference to him, I must say that I can scarcely conceive a project involving more violent and wanton disturbance of the principles of the Constitution. I speak of it thus, assuming, for argument's sake, that it can be limited in its operation to England and Ireland alone; but no hon. Member will contend that it is susceptible of any such limitation. A local Parliament for Scotland, *The Times* has truly said, is the necessary correlative of a local Parliament for Ireland. Whatever measure of local government, *The Scotsman* says, Ireland gets, Scotland must get the same. Indeed, although Ireland only is named in the Resolution, Scotland is specifically included in the Federal arrangement propounded by the hon. and learned Member for Limerick. In his pamphlet, curiously entitled *Irish Federalism* (why not English or Scotch Federalism)? he says—

“The arrangement proposed is, I have said, that which is popularly known as a Federal union between the countries. It is not worth while to consider whether the word Federalism, in its proper sense, be the most appropriate term to express what is proposed. I will not even stop to inquire whether the union I suggest belongs to that class of arrangements which Lord Brougham calls Federal unions proper, or to those which he designates as improper or imperfect, or, as is more probable, is one partaking of the character of both. It is enough to say that I intend to propose a system under which England, Scotland and Ireland, united as they are under one Sovereign, should have a common Executive and a common national Council for all purposes necessary to constitute them, to other nations, as one State, while each of them should have its own domestic Administration and its own domestic Parliament for its internal affairs. I say each of them, because, although my immediate concern is only with Ireland, I do not suppose that if Irishmen obtain the separate management of Irish affairs it



is at all likely that Englishmen or Scotchmen would consent to the management of their domestic concerns by a Parliament in which Irish Members had still a voice."

Thus Scotland necessarily falls into line, and so we find ourselves at the outset involved in the mazes of four Parliaments—three local and one Imperial. Will the disintegrating process end there? He is a bold man who will venture to say it would. If a local Parliament for Scotland is the necessary correlative of a local Parliament for Ireland, a local Parliament for Wales is the necessary correlative of a local Parliament for Scotland. Federalism is an elastic principle; its tendency is to minute subdivision. Is there not some reason to apprehend that Ulster will avail herself of the opportunity to sever the connection with the Catholic Provinces and open a little retail shop for legislative business of her own? Once open the Federal door, and doing so involves a total reconstruction of the Constitution, and closed it cannot be until the United Kingdom shall have been completely transformed into a Confederation, like Switzerland in Europe, or Canada or the United States in America. I understand the hon. and learned Gentleman to say that he disclaims any intention of making a demand; but the Resolution contains the word demand, implying that a Federal arrangement is the demand of Ireland. As matter of fact, it is not; but assuming that Ireland is so lost to all sense of dignity as to sanction the demand, the answer of this House must be—This is a British, much more than an Irish question; and so long as the people of England, Scotland and Wales are content to be legislated for in their local affairs by this Imperial Parliament, Ireland is out of Court, if she be not guilty, indeed, of a positive contempt of Court, in demanding that the Constitution shall be broken into fragments in order to satisfy her momentary caprice. A demand, on the part of Ireland alone, to Republicanize the institutions of the Empire, would be just as reasonable and just as feasible as to Federalize them. A demand implies a right, and a right to demand implies a right to enforce compliance; but this is a demand for a thing which never existed before, which Ireland never possessed, to which she can prove no title, which she cannot get without the full and free concurrence of her neighbours, and which

she could not take, if she had the power, without inflicting serious wrong upon them, and outraging the principles of public morality and public law. It is quite right and proper that hon. Gentlemen who really believe in this Irish Federalism should endeavour, by all fair means, to propagate that theory; but I submit that the time to make a demand for a Federal arrangement will not have arrived until a clear majority of the people of England, Ireland and Scotland shall have signified their readiness to enter into such an arrangement. When that time comes there will be no occasion for a Select Committee. The Minister of the day will introduce a Bill; we shall legislate ourselves into the condition of the happy family; and under the hopeful motto, *Divide et impera*, we shall enter at last on a career of peace, unity and brotherly love. Speaking with reference to Ireland alone, it is my firm conviction that she does not desire a Federal arrangement of the nature of that expounded either by the Rev. Thadeus O'Malley—the father of Federalism—in his little book, or by his illustrious pupil, the hon. and learned Member for Limerick, in his pamphlet on *Irish Federalism*; that if offered it she would not, understandingly and with her eyes open, accept it; and that if imposed upon her, she would not abide by it. Were Ireland a discovery of the 19th century, like one of those coral isles—

"That like to rich and various gems inlay  
The unadorned bosom of the deep."

she might commission a Representative to ask this honourable House to make a Constitution for her. But Ireland is an ancient kingdom with a far-reaching past and a not inglorious history. Her people represent an ancient and a famous race, with a past and a history, with feelings, traditions, instincts, all their own; and it is futile to suppose for a moment that such a country and such a people will accept a place in the Imperial system lower than that of the smallest colony born of yesterday, and indebted to fortuitous circumstances for a fluctuating and heterogenous population. The colonies have been referred to. Truly, the colonial Empire of England is a marvel of the 19th century, as it is unique in the history of mankind. When the American orator illustrated the greatness of England by that grand

figure of the evening drum, with a belt of martial music encircling the globe, the colonial Empire presented a spectacle different far from that which now excites the applause of the world, and elevates the hopes of humanity. The orator spoke with reference only to trading settlements, military posts, dependencies; but, one by one, we have seen these posts, these settlements, these dependencies, come forth like stars through the darkness, and assume the position of free, self-governing States; till now, if by a lower figure, I might be allowed to illustrate a grander destiny, the Division Bell, as it resounds through the corridors of this House, awakes an echo in a hundred legislative halls, proclaiming in every zone, and in every clime, England to be, in the words of the right hon. Gentleman the Member for Birmingham (Mr. John Bright), the mother of Parliaments. But they are free Parliaments, the free Parliaments of free States—no Federal tie subsists between them and the parent from which they sprung; no delusive representation in this House detracts from their dignity and their independence; no swollen Imperial Congress overawes from London their deliberations, and interposes its giant bulk between them and the central sun round which they revolve; the law of nature supplies the bond of connection; the faculty to separate only intensifies the resolve to be united; similarity of Constitutions is the cement of Empire; and, touched by the spirit of freedom, Canadian disaffection melts into loyalty, and the Maori becomes a peaceful legislator for the land whose soil he had with unconquerable valour defended. The colonial example, so far from sustaining the case of the hon. and learned Gentleman, illustrates most forcibly its absurdity—unless, indeed, it can be shown that England is prepared to adopt the political system which South Africa would not have, and that Ireland is willing to become the Manitoba of a British dominion. Such a destiny she may indeed accept when the day-star, Ireland a nation, shall have faded from the hearts of her children, but not till then. It is probable that at no distant day the Australian colonies will enter into Confederation so as to form an Australasian Dominion; it seems to be the natural system of government for a cluster of colonies, derived from the same parent-

age, situated in near proximity to each other, the character of whose populations is similar, and whose circumstances and interests are identical. But all those conditions are wanting here—conspicuously absent, above all, is the indispensable condition of political equality. Victoria and New South Wales may federate, because they are both free agents; in their Governments and their Administrations they are independent one of the other; in like manner Barbadoes and Tobago may federate; but Ireland and England should separate that they might federate. Put Ireland in the position of the Canadian Dominion, or of any of the countries composing the Australasian group, revive the Constitution of 1782—then, if there be anything to treat about, Parliament can treat with Parliament freely and constitutionally, and the relations of the two countries may be so fixed and established as to insure to each the free development of its national life under a common crown—

“—Paribus se legibus amba;  
Invictæ gentes æterna in fœdera mittant.”

I am aware that the idea of a federation of the whole Empire finds favour with a few not unimportant persons in this country. Whether Imperial Confederation shall ever attain the importance of being discussed as a question of practical statesmanship, depends chiefly on the colonies. If it finds any favour amongst them, it will, should the occasion arise, be freely discussed in their free local Legislatures, and their decision upon it will be conclusive. At present it is not a question of practical statesmanship, nor is it likely, I think, ever to become one, unless, by some new discovery in political science, it can be demonstrated that local legislative independence is compatible with representation in an Imperial Parliament. That is a problem which has never yet been solved in this world. In Confederation each Member surrenders its distinctive nationality, if it possesses such, and yields up a certain portion of its liberty, in order to give strength, and title, and authority to the union. Thus it is in Canada and the United States. But where two countries, in both of which there exist, though it may be in very unequal degree, the capacities for self-government, together with the passion for independence, are

so circumstanced that either total separation or complete amalgamation is impossible or undesirable, the political relation must be based on the principle of unity of Empire and separation of Parliament. That is dualism as between Norway and Sweden, Hungary and Austria, Canada and the United Kingdom, the Australias and the United Kingdom. The Crown, in these cases, is not a fetter, whether of iron or of gold, it is the symbol merely of a contract in conformity with the law of nature, and which may defy disruption while it rests upon freedom. The hon. and learned Gentleman dwelt largely on Irish grievances. A higher and safer ground would be that of national right. Grievances may be redressed, but right is an abiding principle. Grievances vary. The grievance of England may be conventual and monastic institutions, or the Claimant; the grievance of Scotland may be gas, or church rates; the grievance of Wales may be Judges ignorant of the language of the country; the grievance of Ireland may be any Act, good, bad, or indifferent, emanating from a British or Imperial source, and it is proposed to construct a bed of Procrustes, whereon all the aggrieved may lie down together, rolled up in the wet blanket of Federalism. The House has been told repeatedly this Session, in tones of solemn earnestness, that the pacification of Ireland imperatively demanded the passage of some particular Bill—a Town Franchise, a Municipal Privilege, a Fishery, or a Land Bill. The logical inference from the language used is, that if this grievance be redressed, and that inequality removed, that if Ireland be ameliorated by the legislation of this House, she will become pacific, and reconciled to the control of this Imperial Parliament for evermore. If that is the idea intended to be conveyed—and the language admits of no other construction—Home Rule, I fear, will have a protracted existence, for grievances there will always be, even in the best regulated families and States; but it will exist as the Shibboleth of a Party, not as the rallying cry of a nation. If, as the House has been assured, the Irish people are now trained and educated to look to Parliament for redress of grievances, and if a measure of comparatively such trivial importance as a Town Franchise Bill will go far to insure content-

ment, I am at a loss to discover wherein the *raison d'être* of a Home Rule Party consists at all, and why such men as Mr. Pim, Sir Dominic Corrigan, Mr. Bagwell, Mr. Chichester Fortescue, and others, were rejected at the General Election. They would not adopt the Shibboleth, but there was no reason to suppose that they would not have supported measures of just amelioration. In my own county the representation was contested by two resident proprietors—one, Sir Richard Levinge, a Conservative; the other, Captain Greville, an officer of the late Government; and I am free to declare for myself that, if it could have been foretold that Home Rule would sink in this House to a thing of small grievances, I should have paused before being a party to deprive either of these gentlemen of the position he is qualified to fill. Now, the greatest of Irish grievances is absenteeism, and it must be admitted that the Home Rule that is inadequate to provide a remedy for that, can scarcely afford to stand even on the low ground of grievance. I might even go so far as to say that such a Home Rule would be, not a panacea for existing grievances, but a source of fresh calamities. Long before the era of independence, Irish Parliaments, though fettered and restricted, dealt severely with absenteeism. Sir John Davies, Attorney General to Queen Elizabeth and James I., says—

“All writers do attribute the decay and loss of Leinster (then the extent of the English Pale) to the absence of those Lords who married the five daughters of William Marshal, Earl of Pembroke, to whom that great seignory descended. These great Lords, having greater inheritances in their own right in England than they had in Ireland in right of their wives (and yet each of the co-partners had an entire county allotted for her proportion), could not be drawn to make their personal residence in this kingdom, but managed their estates by their *seneschals* and servants. The grievance did not long elude the vigilance of the English Justinian: and accordingly, in a few years after the titles alluded to had vested, viz., about the year 1295, it appears from that venerable monument, the Liber Niger of Christ Church, that at a general Parliament, or great Council, then held in Ireland, it was enacted, *inter alia*, that absentee English lords, who drew the profits of their Irish territory without any return, should be compelled to contribute a portion for the safety of their estates and tenantry.”

In 1310 an ordinance was promulgated by the authority of the chief Governor of Ireland and the whole Council, directing an absolute estreat of the rents of

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all the lands of absentees, and that they should be deposited in the treasury, to be appropriated to the King for the conservation of the peace and defence of the land. In the reign of Henry VIII. a statute was passed, whereby, after setting forth

"That it was notorious and manifest that Ireland had grown into ruin, desolation, rebellion, and decay, by reason of great proprietors of it residing in England, and not providing for the good order and security of same,"

it was enacted that the

"King, his heirs, &c., shall have and enjoy all houses, manors, lands, &c., of certain nobles therein named."

This legislative sanction was followed by a resumption of the immense estates of the Duke of Norfolk and Lord Berkly, in the counties of Carlow and Waterford, and those of the Earl of Shrewsbury in the latter county. It is a significant fact that absenteeism increased or diminished in proportion as the powers of the Parliament of Ireland were restricted or enlarged. The absentee drain, which in 1782 stood at about £2,000,000, had declined to about £800,000 in 1800, the year of the Union. It amounts now, there is reason to believe, to upwards of £4,000,000, the purchase-money every year of a Suez Canal. How would this grievance be affected by the new-fangled scheme of Home Rule? It would continue, because London would still be the centre of attraction, the chief seat of government and of legislation; it would continue, and with the superadded and unprecedented grievance that both the local and the Imperial Parliaments would be debarred by the Federal Constitution, by the very nature of the Federal arrangement, from applying an effective remedy. A separate Irish Parliament could impose an absentee tax, or compel a sale of the absentee estates; this Imperial Parliament could do the same to-morrow; but federation would tie the hands of both Parliaments, and thus the giant grievance of Ireland would be perpetuated and rendered irremovable. I will test this scheme by another grievance, on which much stress has been laid—the coercion grievance. If we examine the various Coercion Acts passed by this House from the Union to the present day, it will be found that each and every one of them has had an Imperial object. Arms Acts, Treason Felony Acts, Crime and Outrage Acts,

Peace Preservation Acts, Habeas Corpus Suspension Acts—all, no matter what the titles, what the pretence on which proposed, have had one and the same object in view, to prevent the acquisition of arms by the people, and maintain the Union, or, as it is called, the integrity of the Empire. Coercion, therefore, in the scheme of the hon. and learned Member for Limerick, would manifestly be an external or Imperial affair. So much, indeed, he himself explicitly admits in his treatise on *Irish Federalism*. He says there—

"I am far from supposing that in this sketch I have indicated all the matters which, on reflection and discussion, it might be found advisable to reserve to the Imperial Parliament. In America the criminal laws relating to offences against the Union, and the regulation of the criminal procedure relating to their trial, are vested in Congress, and not in the Legislature of each State. In Canada, while each Province regulates the civil procedure of the Courts, the procedure in criminal cases can only be altered by a law of the Parliament of the Dominion. It would be easy to suggest other matters in regard to which some reason might be urged for leaving them to the Imperial Parliament."

Just so—nothing more easy; but what does that mean, if not more political prisoners, and Amnesty Association a permanent institution of the country? He must be a very sanguine Federalist indeed who expects that the era of political offences will close with the creation of a political *cul-de-sac*, from which there would be no possibility of escape but by revolution. Shilling pamphlets on dry subjects find a very limited circulation in Ireland; the readers are confined to a Select Committee; but if it were explained to the people that Home Rule meant the rod of coercion firmly secured in the Imperial hand, and the trial and punishment of political offences acknowledged and confirmed as an Imperial function, how many Home Rulers would there be among the classes that now compose the demonstrations with Amnesty on their banners and green ribbons in their breasts? I know not what version of Home Rule may have been given in Burnley and Manchester to justify the exultant telegrams—"Home Rule victories"—transmitted to Dublin in February last; but I am pretty confident that the Home Rule of the English hustings would fail to pass muster on the Tipperary hills. National independence is understood there, but a Federal arrangement is understood neither here

nor there. Tried by any test that either Imperial statesmanship or Irish patriotism can apply—Imperial unity or national independence, constitutional principle or Irish right—precedent, authority, expediency, or feasibility — Irish Home Rule stands condemned. It is not restoration, it is innovation; it is not unity, it is dismemberment; it is not national independence, it is national annihilation; it surrenders the Constitution of one country, and subverts that of another, in order to erect with the fragments a model lodging-house, in which the family would merge in the household, and the personal freedom of every occupant would be at the mercy of a composite majority. It never can be realized till England renounces her mission to be great, and Ireland relinquishes her title to be free. Has Ireland, then, no cause on which a virtuous people might take their stand, and enlist on their side the sympathies of mankind? I should be sorry to rest the cause of Ireland on charter, or compact, or Act of Parliament. Her title to liberty is from Heaven; but charter may be appealed to, not, indeed, as evidence of the right to enjoy liberty, but of an agreement to enjoy it according to certain forms, conformably with the will of the people. The charter of King John to the Barons of England, at Runnymede, did not constitute their title to liberty; it was but a record of the manner in which they wished to be governed by their Kings. Ireland's title to independence is as strong now as in 1782, but the international settlement of that year remains an indefeasible record of an agreement that she should enjoy in security and peace that independence according to the forms therein sanctioned and prescribed. Previous to the 10th year of the reign of King Henry VII., the Irish Parliament, such as it was, had claimed and exercised the right of legislation, though interrupted by occasional interference on the part of England, in the same manner as the right of legislation was enjoyed by the Parliament of this country. The Irish Parliament passed laws for Ireland, with a negative power vested in the Crown. By the law of Poyning, made in the 10th year of that reign, the course of legislation was reversed; the original and efficient powers of legislation were thereby vested in the Crown, and the Parliament was

left a negative voice merely on the ordinances of the Prince. Ireland protested against that Act as usurpation. The political relation continued in this state till the sixth year of King George I., when an Act was passed declaring that the King and Parliament of Great Britain had, and of right ought to have, full power and authority to make laws to bind the people of Ireland. This was regarded as an open and undisguised claim of conquest, not on the part of England merely, but of Scotland also, through her Representatives in the Parliament of Great Britain, although it had never been pretended that Scotland had had anything to do with a conquest of Ireland. The controversy between the Parliament of Great Britain, contending for supremacy, and that of Ireland for independence, excited by this act, continued for 60 years, and resulted at last, in the year of 1782, in the total and absolute triumph of Ireland. Ireland's Declaration of Right, that the Crown of Ireland was an Imperial Crown, inseparably annexed to the Crown of Great Britain, but that the Kingdom of Ireland was a distinct Kingdom, with a Parliament of her own, the sole Legislature thereof, and that no power on earth, except the King, Lords and Commons of Ireland, have a right to make laws to bind Ireland, was formally accepted and unreservedly acquiesced in by the Parliament of Great Britain. Poyning's Act—being an Irish Act—was repealed by the Parliament of Ireland; and the 6 *Geo. I.*, c. 5, was unconditionally repealed by an Act of the Parliament of Great Britain, the 22 *Geo. III.* c. 52. By a subsequent Act, the 23 *Geo. III.* c. 28, the Parliament of Great Britain renounced for ever the right to bind Ireland by its laws, and declared and enacted—

“That the right claimed by the people of Ireland to be bound only by laws enacted by the King of England and the Parliament of Ireland, in all cases whatever, and to have all actions and suits at law or in equity, which might be instituted in Ireland, decided in the King's Courts therein, finally, and without appeal from thence, should be, and was thereby declared to be established and ascertained ‘for ever, and should at no time thereafter be questioned or questionable.’”

These several Acts, each Act a record, constitute the international settlement of 1782. It was a manifold transaction, and no single element was wanting that

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could impart to it a character of the utmost solemnity and completeness. It was a final adjustment—declared so to be by the King and Parliament of Great Britain—declared so to be by the Parliament of Ireland, and the King's Representative in that Kingdom. It left unsettled no constitutional question between the two countries—it was a solemn covenant, under the sanction of the Law of Nations, and to its faithful observance the honour of both peoples was irrevocably pledged. Eighteen years later the covenant was violated, the compact broken, and the Parliament whose independent existence for ever was guaranteed by the Constitution of 1782, was flagitiously destroyed. Mr. (Earl) Grey, opposing the Union measure in this House, said—"Arts 'were had recourse to which I could not name in this place.'" Equally respecting the feelings of this House, I shall imitate his reticence. Sufficient to know, that amid the terrors of martial law, the Minister first packed the Parliament, and then bought with Irish money the votes of his own nominees. The nation was unanimous against the Union. Twenty-seven counties, and all the large cities and towns, protested against the measure; 3,000 persons only, for the most part officials and convicts in the gaols, could be induced to petition in favour of it; 700,000 persons petitioned against it; and a faithful minority of 120 high-minded and incorruptible Representatives stood by the Constitution of their country to the last. So the Union was carried. Ireland, as a nation, was obliterated, while, by a singular anachronism, she was left the shadow of a Court and the shadow of a name. The right of Ireland, if she be so minded, to demand the repeal of that Act, is clear and indisputable. Repeal of the Union is not the fantastic creation of a theorist, a revolutionary experiment, a puerile attempt to give to an airy nothing

"A local habitation and a name;"

it is simple justice—the re-establishment of a political relation that existed in the lifetime of some not yet passed away, a relation that worked well in the interests of both countries, that brought to Ireland great material prosperity, and to England generous help in an emergency; it is restoration of a right acknowledged, and restitution for a wrong committed.

The Union Act removed, the Constitution of 1782 would spring immediately into life, and the necessary re-construction of the Parliament of Ireland on a Reform principle would vindicate the ends of justice and satisfy legitimate aspirations. This is the form in which the question of self-government presented itself invariably to the mind of Mr. O'Connell, and that which Mr. Grattan, in a letter written in 1811 to a constituent, Mr. La Touche, declared himself ready to support. It is in this form the question should be submitted to this House, or not at all. So submitted, it might be beaten by numbers, but by argument never. Outvoted in the Lobby, it would have its triumph in the public breast, where the Teller is the human conscience. The advocate of Repeal is not called upon to show that the Constitution of 1782 was, in all respects, the perfection of human wisdom; enough for him to feel that Ireland was indebted for it to her own genius and her own right hand; that inherent in it were ample powers to correct all abuses and remedy all defects; and that it was the broad charter of the legislative independence of his country. The Parliament which sat under it never had fair play. Ere the spirit of reform and religious liberty had time to set it free from the trammels of an old ascendancy, it was called upon to fight for its existence. Let the shame of its fall rest on the head of the seducer; but to it let not the glory be denied of having produced a greater proportion of learned, eloquent, and honourable men than there were ever before congregated in a single Legislative Chamber. There is incontestible evidence that had this scheme of Home Rule been submitted to the Irish Parliament in 1800, in lieu of the Union, it would have been opposed as vehemently by the patriot party in that House as was the measure of the Union itself; and that to the advocates of the one, as to the promoters of the other, Plunkett would have addressed his indignant warning:—"Do not dare to lay your hands on the Constitution; it is above your power." England, that decreed a grave in the venerable Abbey to Henry Grattan, has cast a laurel on the grave of Francis Deak in Buda Pesth, but the patriot of Ireland and the patriot of Hungary share a common immortality of fame as the founders of identical constitutions. Hungary's Con-

stitution had slept till awakened by the cannon of Sadowa, and better that Ireland's Constitution should sleep on for yet three quarters of a century more, than that Ireland, of her own motion, should annul that treaty of liberty by a treaty of slavery, and, with her own hand, efface off her title to independence the indefeasible record.

MR. O'CONNOR POWER said, that when he commenced his political studies he carefully read the speeches of the hon. Member for Westmeath (Mr. Smyth), and learnt to feel with him that Ireland had a national destiny to pursue which was not in all respects identical with the destiny marked out for her by the Imperial Parliament. He (Mr. O'Connor Power) did not yield to the hon. Member for Westmeath in his desire to see Irish nationality preserved, but he could not follow the hon. Gentleman in opposing the proposal of the hon. and learned Member for Limerick, because he believed that proposal would be found more just, both to Ireland and England, than the plan which he presumed the hon. Member for Westmeath would be prepared to submit if he could count on the support of any large Party in the House. The manner in which the different parts of his speech had been received was in itself conclusive evidence that he did not echo, in the whole course of his remarks, the sentiments of the Irish people. He hoped that hon. Members on both sides of the House would not draw a mistaken conclusion from the opposition of the hon. Gentleman to the question at issue. The true and only conclusion which hon. Gentlemen who were opposed to the hon. and learned Member for Limerick could reasonably draw from the speech of the hon. Member for Westmeath was, that in some form or other it was necessary to satisfy the legitimate aspirations of the Irish people to possess an Irish Parliament for the management of Irish affairs. He (Mr. O'Connor Power) should be glad to see reproduced in the modern history of Ireland the prosperity enjoyed by the country from 1782 to 1800, and that could only be done by permitting Irishmen to manage Irish affairs. The hon. Member for Westmeath must know, however, that from the very moment when England granted the legislative independence of Ireland in 1782 some of her greatest statesmen

were plotting for the overthrow of the Irish Constitution. Charles James Fox, the Liberal English statesman, was a strong opponent of the union of the two Parliaments, but still he perceived that the Constitution of 1782 was not made of durable material. Fox saw that it meant either Irish independence or Imperial usurpation, and he said in reference to the Union—

"While I feel bound to give every opposition to this measure, as a measure calculated to sow the seeds of animosity between the two peoples, I am bound at the same time to point out that unless the Constitution of 1782 is reformed in such a manner as will fairly balance the powers of the Irish Parliament on the one hand, and of the Imperial Parliament on the other, you can expect nothing but perpetual strife between both Legislatures."

If we could return to the Parliament of 1782, Ireland would in some respects exercise a greater national power than she would under the Federal arrangement proposed by the hon. and learned Member for Limerick. For instance, whenever England went to war, it would be in the power of the Irish Parliament to withhold Supplies. When, however, we discussed this question, regarding Ireland as being still a portion of the British Empire, he maintained there was no other solution of the Irish difficulty than that proposed by the hon. and learned Member for Limerick. How could it be said that Ireland was an integral portion of the British Empire, if Ireland could abandon England in the most terrible crisis of her fate? That was the only excuse he had been able to discover for the policy of Conservative statesmen in destroying the Irish House of Commons. The Irish Parliament, which would be given under the proposal of the hon. and learned Member, would be far beyond "a Vestry." The people of Ireland knew far less of the effect of the repeal of the Union than of that of the proposal for Federation, for the latter system was in operation in 39 independent States on the other side of the Atlantic, where peace, domestic and national prosperity prevailed. These questions had first been discussed on the ground of principle, and no doubt the question what matters were local and what Imperial was a difficult one; but it was unnecessary to enter into details before public opinion in this country was further pronounced in favour of the general principle of an Irish Parlia-

*Mr. P. J. Smyth*

ment for Irish affairs. That was the only principle with regard to Ireland in connection with the matter before the House of Commons. Still the difficulty was not insuperable. In the United States the distinction between these questions raised no difficulty. The hon. Member for Westmeath (Mr. Smyth) mentioned the questions of an amnesty, the Post Office, and the Militia. Now, if Ireland had a Parliament intrusted with the management of its own affairs, his (Mr. O'Connor Power's) belief was that Parliament would never again hear of a Coercion Bill nor of political prisoners. He believed also that the questions of coercion and amnesty would have been shelved for ever; because he believed the people of Ireland free could govern Ireland according to her wishes and feelings, and would so regulate and manage them as to obviate the necessity of revolution. The class of subjects with which the Irish Parliament would deal under the Federal system would resemble that which came before the State Legislature of New York, who had not the control of the Post Office, but did control the local police and the local Militia in all matters appertaining to the State. The hon. Member for Westmeath had very skilfully reproduced an objection raised by the Prime Minister two years ago, and that objection referred to the difficulty of deciding when Imperial questions should be discussed by the Parliament, and when, therefore, the 103 Irish Representatives would legitimately be admissible into its discussions. He did not see why Irish Members might not quietly and assiduously attend to Irish affairs in Dublin without interfering with Imperial affairs in that House, nor why certain months in the Session—say the last two months—should not be set apart for the discussion of Imperial questions. The earlier part of the Session would be occupied by the Irish Members in discussing Irish questions, while the Imperial Parliament, consisting then exclusively of English and Scotch Members, would be occupied by English and Scotch subjects. The objections of the hon. Member for Westmeath were ill-timed. The hon. Member might have been more consistent, because he had formerly been a loyal supporter of the principles of Home government. No national demand for Parliamentary rights and

national government had been made by Ireland since the time of Daniel O'Connell until the election of the party represented by the hon. and learned Member for Limerick. He wished, therefore, to make a few observations on the advisability of appointing this Committee. There could be no doubt that those who would vote for the Committee would be suspected of some sympathy with the demand of the Irish people for an Irish Parliament. It had been said that Irish Members had not displayed such an amount of statesmanship or capability as would warrant the Government in consenting to the renewal of an Irish Parliament. But the manner in which their discussions were conducted in that House was a proof of their political intelligence. When this subject was last submitted to that House the present Lord Chancellor of Ireland went into figures to show how Ireland had deteriorated under the Parliament of '82. The contrary, however, could be shown to be the case. Mr. Justice Jebb in 1798 said that within the preceding 16 years the commerce, agriculture, and manufactures of Ireland had prospered to an extent that her most sanguine friends would not have dared to prognosticate. On the 18th of December in the same year the bankers of the city of Dublin passed a resolution, showing that since the abandonment of the government of Great Britain over Ireland the commerce of the country had increased; and a further resolution was passed by an overwhelming majority in favour of maintaining the independence of an Irish Parliament. Mr. Foster, Speaker of the Irish House of Commons, joined his testimony to that of Mr. Justice Jebb; and Mr. Plunkett (afterwards Lord Chancellor), in a remarkable speech in 1800, declared that the trade, commerce, and agriculture of Ireland had advanced to an extent that could not have been anticipated in so small a country. These were the testimonies of the Patriot Party. The evidence of Lord Clare on the other side was equally emphatic, for he declared that there was no nation on the habitable globe which had advanced in cultivation and commerce, in agriculture and manufactures, with the same rapidity in the same period of time. Why, then, did the statesmen of England endeavour to promote a union of the two countries?



Speeches by the Hon. Mr. Pitt and Lord Castlereagh at the time said it was necessary to promote the union of the two Parliaments for the security of the two countries, and the better union of the Empire. But if the Hon. Mr. Pitt and Lord Castlereagh committed the mistake, the present Parliament could have no such excuse. He denied that the Union of the last 76 years had promoted the peace of Ireland or the integrity of the British Empire. The House of Commons knew very well that Ireland had not enjoyed political peace. Twice since 1803 Ireland had been involved in rebellion, 19 times the Constitution had been suspended in that country, millions of the people had been expatriated and their places filled by cattle, and only a few years ago the right hon. Gentleman the Member for Birmingham, then a Member of the Cabinet, said that the present system had failed to promote the integrity of the Empire, for wherever an Irishman placed his foot upon a foreign shore there stood an enemy to England. Who were the men who had distinguished themselves during the period? To find their names they must search the records of the Law Courts and the lists of the convict ships that carried them away to distant lands, because nature endowed them with a spirit that could not bow to slavery. It was clear that the present state of things failed to secure the peace of Ireland, or the integrity of the Empire, and there could be no doubt that the policy of Her Majesty's Government in that respect was a very unsafe and a very inexpedient policy. What could be a greater commentary on this policy than that daring men should have found their way to Western Australia and torn the prisoners out of the heart of the prisons there. It was that feeling which actuated millions across the Atlantic. The Government had refused to mitigate by the remission of a single hour the sentence of imprisonment imposed on their fallen foes; they had rejected the appeal for an amnesty signed by 136 Members of that House; they had declined to allow any of them to look inside the prison walls, lest the cruelties practised on Irish prisoners should be revealed to the world; and having been amongst the Irish people in America, and knowing how they were animated by the glorious passion

of patriotism, he charged the Conservative Government with being the promoters of disorder, with sanctioning a policy which was creating a power amongst the exiled Irish race that might yet be used by the enemies of national union to lay the greatness of England in the dust. He maintained that the people of England had more to gain than to lose by the emancipation of the Irish people. He, therefore, appealed to the House of Commons not to favour such a policy, and called upon them to support the Motion of the hon. and learned Member for Limerick, which he trusted would meet with the general approval of the House.

Mr. KAVANAGH: I would be glad of the opportunity to say a few words on the subject of the Motion which is now before the House. Regarding it in the light I do, I am bound to call it No. 2 in the series of topics which have been invented and started for the object of agitation. Last night we were engaged in debating what I may call No. 1 topic, and it, I think, throws an instructive light upon the present question, but to that I shall refer more particularly by-and-by. I must say with reference to the present Motion—and I say it with every respect to the hon. and learned Member who brings it forward—that I have some difficulty in bringing myself to look on its own merits from a serious point of view. The case is, however, far different when I consider the object with which it is brought forward, for I may as well tell the House frankly and openly at once that I believe the object to be the same as prompted the introduction of the measure which we considered last night, and that is simply this—to keep alive agitation and discontent in Ireland. However that may be, we are bound, I think, out of respect for the hon. and learned Member who brings it forward, if for no other reason, to give his Motion as fair and dispassionate a consideration as we can. The hon. and learned Member moves for a Select Committee to inquire into certain matters, and immediately following this Notice on the Paper there stands the Notice of an Amendment to it that would have been proposed by another hon. Member—had the Rules of the House allowed him—who, if he does not lead,

resents a different sect in this Home creed—

Mr. Butt.—To move, That a Select Committee be appointed to inquire into and report the nature, the extent, and the grounds of demand made by a large proportion of the people for the restoration to Ireland of an Parliament, with power to control the local affairs of that country.

Mr. P. J. Smyth.—As an Amendment to Butt's Resolution for Select Committee reference to Home Rule, to move to omit the word 'That,' in order to insert the 'in the opinion of this House Home as understood by a large proportion of Irish people, is the restoration of the Parliament of Ireland with the legislative powers prerogatives declared, by an Act of the Government of Great Britain, to have been abolished and ascertained for ever' by the national settlement of 1872."

Two Notices, although they differ only as to details, practically and by point at the same end. The Amendment asks the House at once to pronounce an opinion that there should be separation between England and Ireland; the Motion asks for a Select Committee to inquire into the grounds of the demand made—for I believe a modified form of separation, now which I do not for a minute believe either the Amendment or the Motion will find much favour in the House, do not really require any of my efforts to secure their rejection. As the Motion is founded on the inalienable grounds of merely asking for self-government, I must say a few words about it. I think before this House consents to appoint a Committee of Inquiry, it should satisfy itself that the object of the Motion is reasonable in itself—commendable on its own merits. A case may arise, and I am sure has often arisen, where a large number of people desire something which might be merely injurious and prejudicial to their neighbours, and which might be only utterly insupportable on its merits, but really bad for those who demand it most; and I hope, therefore, the House will consider earnestly whether these hypothesis might not be inconsistent with truth to the present case. As I can assure the House—that, if persuaded that this separation—modified separation—would be for the benefit of my country and the Commonwealth, I would advocate it to the best of my ability. It is because I am utterly convinced and satisfied that

it would have diametrically opposite results that I take the course I am now following. I have often heard it stated that a Divine right has been given to every nation to govern itself. I do not believe it. I do not believe that the Almighty in His inscrutable and infallible wisdom would give a right to a nation, and withhold from that nation the power to exercise that right. Now, although that appears to me self-evident, I do not ask the House to accept it solely on my own responsibility, and with permission I will read a few short extracts from a well-known historical author, Mr. Froude—

"When two countries, or sections of countries, stand geographically so related to one another that their union under a common government will conduce to the advantage of one of them, such countries will continue separate as long only as there is equality of force between them, or as long as the country which desires to preserve its independence possesses a power of resistance so rigorous that the effort to overcome it is too exhausting to be permanently maintained.

"Individuals cannot be independent, or society cannot exist. With individuals the contention is not for freedom absolutely, but for an extension of the limits within which their freedom must be restrained. The independence of nations is spoken of sometimes as if it rested on another foundation—as if each separate race or community had a divine title deed to dispose of its fortunes and develop its tendencies in such direction as seems good to itself. But the assumption breaks down before the inquiry, what constitutes a nation? And the right of a people to self-government consists and can consist in nothing but their power to defend themselves. No other definition is possible. Are geographical boundaries or a distinct frontier, made the essential? Mountain chains, rivers, or seas, form, no doubt, the normal dividing lines between nation and nation, because they are elements of strength, and material obstacles to invasion. But as the absence of a defined frontier cannot take away a right to liberty where there is strength to maintain it, a mountain barrier conveys no prerogative against a power which is powerful enough to overleap that barrier, nor the ocean against those whose larger skill and courage can convert the ocean into a highway."

The historian here, I think, supports the opinion which I have expressed. He defines what constitutes a nation, and that is, in his opinion, the power to defend itself. He refers again to that power or strength, and he states that the possession of strength will be rendered evident by the presence of those qualities which will secure its proper use. His words are these—

"There is no disputing against strength, nor happily is there need to dispute, for the strength

which gives the right to freedom, implies the presence of those qualities which ensure that it will be rightly used."

Now, I fear the class of my fellow-countrymen who clamour for the right of self-government fail utterly to show the possession of those qualities which would insure its proper use, and if we are to take that as a proof of the presence of power to defend, we have, I say it with sorrow, the strongest evidence of its entire absence. I must guard myself from the chance of its being supposed that I intend this remark to apply generally to all classes of my fellow-countrymen—I do not. I believe firmly that there is a large and important class who form the real nucleus and backbone, as it were, of the Irish nation, in every way qualified to discharge with credit to themselves the highest and most responsible duties. I will ask, how many Irishmen have risen to offices of high state and responsibility in this Empire? But it is not from them this clamour comes—they are content quietly to mind their business and to do their best to discharge the duties of the stations in which God has placed them, instead of wasting their time and talents in grasping at positions and possessions that he has not given them. Judging the question then with Mr. Froude's assistance, I must confess I do not see that Ireland possesses that Divine right which it is urged she does to govern herself. If she did succeed in severing herself from England I should fear, judging her future history from her past, that torn to pieces by internal dissensions she would only become the prize of some other nation whose rule would be such as to render the position of her inhabitants utterly intolerable. I do not admit that Ireland is ruled by England. I assert that under the present Constitution there exists no such difference of position as the ruler and the ruled. I look upon Ireland now as a component and by no means an insignificant part of the first Empire in the world, and for what are we asked to change this our undeniable position? Allowing, for argument sake, that Mr. Froude is wrong and that Ireland does possess the qualifications to entitle her to govern herself, assuming that she had the power to stand by herself in national independence, what would our position be compared with that which we now occupy? We should be a struggling, insignificant

State, fortunate if, in the course of a few short years, we did not come to the same end as the Kilkenny cats, who, as some history or another says, continued to fight among themselves till there was nothing but their tails left. But I will not pursue this line of argument further, because, I must confess, so far as I have heard of the question, I am relieved of any necessity to do so by the wide difference of opinion which exists among those who advocate this separation and the indefinite nature of the proposals which are put before us. The hon. and learned Member for Limerick advocates, if I understand him right, not entire separation, but a kind of Federal connection, but how that is to be arranged and carried out I have failed to understand. But the hon. and learned Member knows himself that in advocating that Federal scheme he does not represent the opinions of the entire class of Home Rulers. He knows, I believe, that he has only to go among his own constituents to discover that there a different sect exists who were once upon the point of handling him roughly, if the papers speak the truth, because his opinions were too milk-and-water for their notions. This sect, I believe, go in broadly for entire separation and for a distinct and separate nationality. However that may be, I think this House before it undertook to go into the consideration of any question of such magnitude, might very fairly require that those who clamour for this change should have made up their minds and agreed among themselves as to what it is they really do want. I must confess that among all the vague and conflicting schemes which are ventilated and proposed by one party and by another, I am, myself, utterly at a loss to know what that is, and I believe they are in the same condition of doubt and difficulty themselves. Under these circumstances, I think it is only fair and right that we, who are asked to pronounce an opinion on the subject, should seek for information and enlightenment wherever we could get it. There is an old saying, "That straws show the way the wind blows," and we may therefore, I think, fairly assume that the Bills which have been introduced into this House by the hon. Members opposite, who profess Home Rule opinions, and the action which they have taken with regard to other Bills, may be taken as a

*Mr. Kavanagh*

indication of the sort of government would be carried on in Ireland if power were placed in their hands, I frankly admit that the light thrown by his means on the possible future is in my mind, encouraging. In the place, I am sure the House will remember the furious opposition with which the Peace Preservation Bill was met, and from that fact I suppose we may assume that, with national independence established, a Home Rule Parliament sitting in College Green, those irritating and annoying restrictions which were intended to prevent one man murdering another, or robbing him, or destroying his property, would be at once removed and entire freedom of action established. We have a dozen or so of our Bills on various minor subjects, all affecting in some way or other landlords' property. It is, however, doubtful whether there would remain any necessity for wasting their time over them, as if the Land Tenure Bill, in passing which we were engaged last year, were introduced in the first Session of the College Green Parliament, landlords would have no property for the others to scramble for. That includes my category; but I think of different straws, as I may call them, show clearly enough the set of the wind. I believe I may be answered from the other side, that in the Home Rule programme, which was adopted at some conference or another, it is provided that all questions dealing with either property or religion should be removed to the province of the Home Rule Parliament. If that is so, I must ask the House whether we could possibly see any stronger evidence of incapacity. That is so, here we have a voluntary mission on the part of those who, I suppose, understand best what are to be component parts of this proposed government, of their unfitness to deal with two most important duties of a Government—namely, the preservation of religious liberty and the protection of the rights of property. I cannot believe that this proposal for separation, whether it be for the complete or for the modified form, could emanate from any of the visionary and foolish, who know what they ask for; and therefore I am sure this House will now, taking upon itself its rightful prerogative of guarding, dispel these wild dreams and

visions, and, in a firm tone, refuse to accede to the Motion of the hon. and learned Member.

CAPTAIN NOLAN said, that the hon. Member who preceded him (Mr. Kavanagh) usually addressed himself to practical questions, and his arguments were generally worthy of much consideration; but on this occasion the hon. Member seemed to have surrendered his opinion to the judgment of others, for the line of argument he had adopted was that propounded by Mr. Froude, regarding the question of what a State or nation was. In doing so he had followed the argument of Mr. Froude's book—a book which he (Captain Nolan) regarded as politically immoral and full of the falsest ideas, which if followed by statesmen would lead to tyrannical wars, and if adopted in private life would result in homicides, robberies, and an abandonment of all ideas of property. Mr. Froude's idea was that nations should follow—

“The good old plan—

That they should take who have the power,  
And they should keep who can.”

The doctrine that a nation had a right to exist only when it was strong enough to defend itself was repudiated by all the European Powers, though it must be acknowledged that some of them occasionally acted upon it. Under the system advocated by Mr. Froude, and followed by the hon. Member for Carlow, Belgium, Holland, and Switzerland must disappear as soon as it suited the convenience and interest of any of the Great Powers to absorb them. Ireland, it was said, was incapable of defence, and therefore, although its citizens, as individuals, had rights, the country, as a concrete body, had no rights. That was a principle which he hoped the House would never sanction. It was when transposed precisely the argument of the hon. Member for Mayo (Mr. O'Connor Power), an argument in which he did not agree, when he sought to work upon the fears of England by pointing to the injury which Irishmen might visit upon her in America, Australia, or elsewhere, but he (Captain Nolan) thought that the views held by Mr. Froude and adopted by the hon. Member for Carlow on this point formed but a low principle of policy; but he urged his case upon the merits, and claimed for Ireland that which jus-

tice should concede. It was objected that the plan of the hon. and learned Member for Limerick could not be readily carried into practice, and it was asked, what would a Federal Council have to do if guarantees were given that matters touching religion and property were not to be interfered with? There would still be much work to do, as could be seen by looking to similar machinery in action in the United States. As far as the State was concerned, what the Federal Government of the United States guaranteed to each constituent State—non-interference in its independent action in matters of religion and property—was all that was asked by this Motion. The Home Rule Members were, as a Party, almost unanimous in their demand, and although the hon. Member for Westmeath (Mr. Smyth) would not give them his vote on this occasion, he had formerly voted with them. Surely, unanimity was not to be insisted on as it once was in Poland, when one dissentient voice was fatal to any proposition; at any rate, they could not secure it by the Polish method of murdering the dissentient. The highest authority in the House had said that the hon. Member for Westmeath had made a speech worthy of the days of Grattan; but he hoped the hon. Member would yet give his vote for the Motion. He believed that the meeting of a Parliament in Dublin would be a good thing for Dublin; and first, pecuniarily, because it would involve the spending of more money in the country. It would, indirectly, induce many more proprietors of land to reside for longer periods in the country. One thing was certain, and it was that if there were not some change, a few years would see even less money spent in the country than at present. A Parliament in Dublin would restore the centre of gravity in the relation between paid officials and the people, and would make the Government establishments realities instead of mere shadows, which they must be while London remained the source of power. The people's Representatives now could communicate with Dublin officials only through London officials; they had little chance of making their influence felt, unless they could exercise it through London; and thus the local officials were cut off from the source of power—the Irish people, so that there was an air of

unreality about what they did, which would probably lead to a curtailment of their numbers and position. This question of spending money, however, would be regarded as a minor question. There were three points suggested by the hon. Member for Carlow, legislation upon which by an Irish Parliament would be likely to be better than that of an Imperial Parliament. Take, for example, the question of education. On that question they would have better legislation than they could from any English Parliament, however well constituted. In Ireland nearly all the people wished their children to have a religious education, but that question was obliged to remain in abeyance because the English Parliament was in favour of secular education. If the two countries had a separate Parliament, England could adopt secular instruction if she preferred it, while in Ireland the denominational principle would be recognized, and all objection to compulsory education would be removed. The Irish Parliament on that question would be in harmony with the wish of the people. Then take the Land Question as worked in the two countries. Every one agreed it would be an immense advantage if there was a cheap and easy means of selling property. There were many difficulties in England in the way of such a system, but it would be comparatively easy of introduction in Ireland, and if Irishmen had their own Legislature they would soon simplify the law, so as to facilitate the acquisition of small properties. He might next instance the drainage of the Shannon. The right hon. Baronet the Chief Secretary had offered £150,000, but it was accompanied with conditions which the landowners would not accept, and an unworkable Bill was passed for a term which had now expired. It was not a question of money, for the Government had offered a considerable sum; but an Irish Parliament would have had time to deal with this question in a satisfactory manner. Again, Ireland lay in the direct route to America, and an opinion prevailed that all the passenger traffic from England and the Continent ought to pass through that country, and that if Ireland had a proper port on her West coast some company would establish steamers and a trade would spring up. It was said

*Captain Nolan*

r ought to establish such a port; the Imperial Parliament would not whether such a scheme was a job lot, and had not time to investigate subject. The Imperial Government at present managed was too large to into the question. That was an example of the way in which a eral Parliament could act better than Imperial Parliament. An Irish Parliament might, however, see its way to ng the whole of Ireland for the establishment of a western port which uld attract the traffic to America. one great deficiency in the House time. They had not time to do the k. If the House devoted itself to h business for two or three years, it ht, perhaps, do it as well as a home liament; but that was impossible. eover, if a Parliament were granted eland it would benefit the working es of England. They were conti in danger of having all their le combinations destroyed by inroads rish workmen, and as long as wages e high in England they could not p the Irish out. But if its Parlia- it were restored to Ireland, the Irish ple would be raised in an educational it of view, their wages would be in- sed, and they would be better paid have more work at home. If power e given to them to manage their own irs, they would be prepared to make sessions with regard to Imperial ques- s; they would forego a great deal hat direction in order to have a Par- ent in Dublin. In many moral s he maintained that his country- were the equal of the English ple. The only way to do what he tioned, by way of improving the h people in a material way, a Fede- Parliament would do everything that necessary in the direction. In the ate there was only one matter that egretted. There had been a differ- e of opinion amongst the Irish Mem- on this side of the House, but it een shown by only one single Mem- of the Party, and it had reference to exact form in which the demand uld be brought forward. He hoped, had no doubt, that next year the ne Rulers would come to the House greater numbers than ever, and he ted that the form of the demand to liament would have their unanimous port. The inquiry asked for was a

reasonable demand, and he trusted that it would be granted.

MR. KIRK, in supporting the Motion, said, he did so not only because of his own strong opinion, but because the vast majority of his countrymen had sent Representatives to Parliament to support the principles of Home Rule. As to the speech of the hon. Member for Carlow County (Mr. Kavanagh), he was astounded that an Irishman should elect such an authority as Mr. Froude to quote from in regard to Ireland. Mr. Froude was no great friend of Ireland, and his historical arguments were acknowledged to be fallacious. There was not the slightest chance of one-fourth of the Business introduced at the beginning of the Session being gone through by the end. Then at the end of every Session there was what was called a "Massacre of the Innocents." In the massacre they found not unfrequently a fair average of such Bills, and those not the least important to the country. He had never known a better proof of the incapacity of Englishmen to legislate for Ireland than was afforded by the experience of the last three Sessions. Great questions affecting Ireland, which stirred the heart of the country, had been carried by large majorities, but had been overthrown by English and Scotch Members, and therefore there was little expectation of having fair play or justice done to Ireland by a British Parliament. Again, by the present arrangement Ireland suffered in regard to Private Bill legislation, which, under Home Rule, could be effected far more efficiently, and under far less cost, than at present. He denied that the advocacy of Home Rule meant the disintegration of the Empire. It meant nothing of the kind, and he stated emphatically that the Irish Members were opposed to the separation. The rebellion of 1798 was not brought about by the Irish Parliament, but by the English Government and the English Premier, in order to consummate the Union. That Union was carried out at an expenditure of £16,000,000, and £1,500,000 was spent in the purchase of votes—the votes of two people, and thus Irishmen were asked to agree to their own degradation. How could anyone call such a policy the free choice of the people. To ameliorate the wrongs of Ireland for centuries, Coercion Acts and *Habeas Corpus* Sus-

pension Acts were the only panacea offered by the English Government. He wished to impress this strongly on English and Scottish Representatives—that a federation of the three Kingdoms was absolutely necessary for the formation of a great Empire which would have itself respected throughout the world. He was strongly opposed to centralization, but he did not ask for, nor seek separation. If, however, Ireland got legislative independence, which was her birthright, no more Coercion Acts would be necessary. What was now the paralyzed arm of the Empire would become its real right arm; there would be no more loyal subjects in this realm than Irishmen, and they would not only be as prosperous, but as jealous of the honour of the Empire as Englishmen and Scotchmen were.

SIR EARDLEY WILMOT maintained that so grave a constitutional question as that involved in Home Rule should not be delegated to any Select Committee, but should be fully and fairly discussed in the House itself, where alone it ought to receive its solution. He denied that a large portion of the people of Ireland demanded what was called Home Rule. The Motion was not merely one for inquiry into the state of Ireland; it involved the whole question of Home Rule, and in his opinion there were several reasons why it should not be adopted for that country; they were social, geographical, political, and, above all, religious reasons. The Act of Union had not succeeded as thoroughly as might have been expected, because, when a separate Parliament was taken away from Ireland, the separate administration was not also taken away. That was the view taken at the time of the Union with Scotland by Lord Somers, who maintained that the administration of the two countries should be identical. It was too late, however, now to talk of repealing the Union. He believed there was a great cry for Home Rule, but he denied that it was the voice of the great people of Ireland; and he maintained that the inevitable effect of granting Home Rule must be ultimately a separation of the two countries, although he could not conceal from himself that the state of things in Ireland was not that which all friends of Ireland would like to see. Had the hon. and learned Member for Limerick (Mr. Butt) asked for a

Select Committee to inquire into the present state of Ireland, as Earl Russell did in 1844, no Ministry could have refused such a demand, if it were honestly made. As he had said, the present state of Ireland was not so prosperous as some persons would have the House to believe; and this was incontestably proved by statistics. There had been a large emigration going on for years of her youthful population, who carried with them to other countries the productive powers which would have made Ireland more wealthy. During a period of five years, from 1870 to 1876, between 300,000 and 400,000 persons, representing the sinew of the country, had left Irish soil; and during the period between 1850 and 1876 the number that had emigrated was between 2,000,000 and 3,000,000. In a period of 10 years, from 1861 to 1871, there had been a decrease of 34,804 in the number of inhabited houses; and a corresponding decrease in the number of families. These figures showed that Ireland had been deprived of a large amount of wealth by the emigration that had taken place. Taking the revenue derived from taxation, it had not increased within the last 20 years at the rate of that of Scotland and England. The waste lands had not been reclaimed at the rate they ought to have been, while, of late, a very large decrease had taken place in the value of the cereal crops produced in Ireland. The fisheries had also declined both in the number of boats and of men and boys employed, and consequently in their value and productiveness. As for "absenteeism," much of the evils complained of arose from that cause. He found 180 proprietors who resided occasionally in Ireland owned a fifteenth part of the acreage of the country; whereas there were no less than 1,443 proprietors who were always absent, and these owned between a sixth and a seventh of the whole land of Ireland. Such a state of affairs naturally produced very bad consequences. Nor was that all. The people of Ireland had to pay much more than their fair share of taxation, and their shipping was in a very depressed state. The railway traffic, both as respected passengers and goods, was far below what it ought to be, taking the population into account, and comparing Ireland with Scotland and England. He thought that, taking these

facts into consideration, it was the duty of the Government to take every possible step to place Ireland upon an equality with the other portions of the Kingdom, and that all distinctions between them should be done away with; and a great means towards the attainment of that end would be the residence of a Member of the Royal Family in the country. For the reasons he had given, he was very sorry he could not vote for the Motion of the hon. and learned Gentleman. At the same time, believing that Ireland had many great special grievances to be remedied, and which he thought it desirable to inquire into—not in the sense of the hon. and learned Member—he should not vote at all. But he hoped the result of the discussion would be to turn the attention of the Government to some of the questions to which he had adverted.

MR. JACOB BRIGHT said, he would have been content to give a silent vote on this question had not he and the constituency he represented been subject to criticism and abuse in regard to it. The noble Lord the Member for Haddingtonshire (Lord Elcho) had made an attack. He seemed to constitute himself the special guardian of the political morality of Members of Parliament and of their constituencies. How far he was qualified for such a duty he would leave it for the House to determine. The attack was an intemperate one; but there was this excuse for it—that it was made on a debate upon a Bill affecting freehold property; and he (Mr. Bright) found that when attempts were made to interfere by legislation with freehold property certain hon. Gentlemen seemed to become excited and to lose that fairness and moderation which ought to characterize Members of the Legislature. The noble Lord said that the Manchester election was a scandal. Not content with that, he repeated the charge in stronger terms, and said it was a great scandal, and that he (Mr. Bright) and his opponent had been coquetting, he supposed, in some unworthy manner for votes, and the attack was loudly cheered by the Party opposite. Now, those who undertook to reprove others should, at any rate, have clean hands. He could not help asking himself the question whether the Party opposite had never coquetted with great interests outside the House in order to obtain or retain place and power. Had

they never coquetted with the publican? Talk about scandal, could anything be more scandalous than what occurred about the beginning of this Parliament, when the great Party opposite repealed a clause in the Licensing Bill, contrary to the moral sense of the whole country?

MR. SPEAKER said, he must request the hon. Member to keep to the question immediately before the House.

MR. JACOB BRIGHT said, he was sorry to deviate from the regular course of the debate. His object was when a strong personal attack had been made upon him to show that those who supported that attack were chargeable with doing the very thing of which he was accused. The Irish electors in Manchester, equal in number to one-eighth of the whole borough constituency of Ireland, appeared to a large extent to have lost confidence in the legislation of that House in regard to that country, and desired at the last election to support a candidate who, if he did not approve Home Rule views, was at least willing that those views should be inquired into; and many of the other voters, on both sides of politics, sympathised with them in that respect. That night he could, without violating any principle, represent that feeling on the part of his constituents by voting for that inquiry on which they had set their minds. The reason why there was a desire for Home Rule was because Parliament had been so long unwilling to do justice to Ireland; and it seemed that even the Land Act of 1870 would not have been passed but for the motive-power given by the unfortunate violence of misguided men now suffering imprisonment for their offences. An honest inquiry conducted by capable men would do good, and the necessity for instituting it was shown by the fact that more than a majority of the representatives of the Irish nation asked for it. Whether they or those who returned them to that House were in earnest or not remained to be seen; but if they were, Parliament, powerful as it was, could not resist that demand. Believing that if the inquiry were fairly carried out it would tend to the union more than to the separation of the two countries, he would give it his cordial support.

MR. R. POWER: Sir, in the few observations which I intend to address to the House, I hope to abstain from re-



ferring to the past as much as possible, and to confine my remarks to the present state of affairs, for if I were to begin to trace the history and character of Irish Parliaments from the first one, which sat in the 9th year of the reign of Edward II., down to the Parliament which was annihilated in 1800, I fear my task would be somewhat greater than my powers of endurance. Sir, we must accept things as they are. The wild and reckless statements, or the lamentable ignorance of Irish affairs so lavishly displayed by hon. Members opposite, have only strengthened our position, and lent force to our arguments. The people of Ireland, unprepared and taken completely by surprise by the unexpected dissolution of Parliament, returned at the last Election a majority of Members pledged to plead for the right of the people to self-government. That majority was returned under every conceivable difficulty, yet that majority is proportionately as great as the majority which now rules this House; therefore, to say that the people of Ireland do not approve of or want Home Rule is to say that the majority of the people of England do not approve of Her Majesty's present Government. I hope we shall hear no defiant tones from the Ministerial benches on this occasion, for defiance gives an impetus to action. The right hon. Gentleman the Member for Greenwich once hastily threw down defiance to the late lamented Member for Meath. He challenged him for popularity in Ireland; that challenge was accepted—we are seldom slow to accept anything of the sort—and the result was, that the right hon. Gentleman and his Friends very soon found themselves at the wrong side of the House. They are now beginning to get somewhat accustomed to these benches; at first they felt very uncomfortable, and for many nights that front Opposition bench was unadorned by any of the ex-Ministers, and several of our independent Members, who usually sit below the gangway, took up their position where they found most room. A great and incongruous Party are now waiting for what sailors would call a change of wind, but what statesmen call a reaction, waiting until that horrid fever of Home Rule subsides and Irish Members once more array themselves under the flag of Whiggery. It is of little concern to us that they should,

in the cool shade of Opposition, console themselves with so sweet a hope, for they are as much justified in doing so as the countryman in the fable who was patiently waiting for the stream to pass by in order that he might cross over. But, Sir, the noble Lord, by courtesy called the Leader of the Opposition—the Leader of the remnants of a once great Party—has emphatically declared that he will never give us Home Rule. Never is a foolish word to escape from the lips of any Minister. Though we may see a majority against us in this House, we shall not, like Her Majesty's late Ministers, in a fit of angry despair, throw up the sponge on that account; but we are determined to fight on to the bitter end, striving to overcome the vast amount of prejudice, ignorance, and misrepresentation with which we have to contend; appealing to the intelligence and honesty of the English public; organizing our strength in the very heart of your Kingdom, and using every constitutional means in our power to carry out the objects which we have in view. Looking dispassionately over the strange and fitful history of Irish politics brings to our mind a lesson which ought never to be forgotten by present or future statesmen, a lesson telling us that a country held in subjection by force, and governed by laws opposed to the feelings and national sentiments of the people, must engender discontent, and discontent is the parent of disloyalty, and disloyalty is the weakness and danger of a State. For 76 years Ireland has never been in a state of coma. Insurrection Acts and Coercion Bills—measures first obstinately refused and afterwards as willingly granted—have all tended to keep the barometer of Irish feelings up to fever heat. Blame not the agitator for the unsettled state of Irish affairs. It was you who taught Ireland agitation. You taught her no longer to supplicate but to demand, for you yielded little to her supplications, but you granted much to her demands. You left her grievances, and if there are monster grievances there must be monster meetings. Can you, during your 76 years of Imperial rule, point to concessions made except to agitation or equal rights conferred except to silence the voice of the people? You have taught the lesson that redress only comes with agitation. For over 70 years your barque of British

*Mr. R. Pocer*

Legislation has been sailing against the current of Irish public opinion. The people of Ireland are to-day what your laws and institutions have made them, and the so-called Act of Union has proved not an Act of Settlement but an Act of contention and bitterness. You have never harmonized your feelings with ours; you have never curbed the bitterness of your Press towards the Irish people; you have not governed us as equals, for you have refused us equal rights. You have governed us as a conquered country, and thus has grown up that feeling of animosity and that spirit of estrangement, that want of confidence, suspicion, and ill-feeling which, if it be not speedily arrested, must sooner or later tend to undermine your greatness and stability as a nation. Montague has written—"Happy are the people whose annals are tiresome," and a philosopher has added—"Happy are the people whose annals are vacant;" but we are a people whose annals are neither tiresome nor vacant, a highly sentimental race, clinging fondly to traditions of the past, and imbued with many strong conservative tendencies. Your rule sits uneasy upon our country, because it is sustained by force, animated by opinions opposed to ours, and guided by counsels in which we have no voice. The right hon. Gentleman at the head of the Government has told us that he wishes to conciliate us, but what means has he adopted to do it? He preaches conciliation, but he practises coercion. We have heard much about the prosperity of Ireland, and yet after 76 years' connection with the richest country in Europe we find ourselves the poorest. What class of the community experiences this great prosperity of which we hear so much? If it be the landlords, they are principally absentees, spending their money in every capital but their own, and they are only a burden upon our energies and resources. Before the Union they yearly drained out of the country £2,223,222; they now carry away over £5,000,000 a-year. Are the tenants contented—they who have formed themselves into a powerful organization, and demand a Land Bill far in advance of what you would willingly give them? If they were prosperous, do you think they would trouble themselves with agitation? Is it the labourer, he who is ill-housed and ill-fed, whose wages

have well nigh doubled, but whose cost of living has well nigh trebled? Is it the mechanic or the artizan, he whose only ambition is to collect enough of money to bring him to another country? Is the citizen prosperous, he who sees enterprize crushed, speculation banished, natural advantages undeveloped, and our resources unworked? In 1860 our poor rates amounted to £530,626; in 1874 they amounted to £977,890; so that with a decreasing population we have an increasing pauperism. But, Sir, I shall not weary the House with quoting figures. This is not a mathematical problem, and I do not wish to lower this great question to the level of statistics, which are not always infallible. This is not a question of prosperity or poverty. It is a question of right—the right of a people to make their own laws. What respect have you ever shown for the opinion of the people of Ireland? Every measure which their Representatives bring forward you crush with overwhelming majorities, and do you think the people of Ireland do not feel, and deeply feel, the insult offered by your high-handed legislation? Measures of vital importance to the country, supported by a large majority of Irish Members, have been defeated by your powerful Conservative majority. You have not reformed the Grand Jury Laws. You have left them in an unsatisfactory state, thereby lessening the respect of the people for the administration of justice. You rejected a Municipal Franchise Bill, thereby declaring to the people of Ireland that they must not have the same rights or enjoy the same privileges as their fellow-subjects who live in English towns. Our Fishery Bill you scornfully rejected, thereby refusing to encourage one of the most profitable employments of the people—one of the few industries which still languish under your rule in Ireland. The Convention Act you have refused to repeal, thereby declaring that the people of Ireland must not enjoy the same rights as the people of England. You have refused to alter the restricted nature of the Irish franchise as compared with England and Scotland. The 'Towns' Rating Bill received but scant consideration, and last, but greatest inconsistency of all, your Chief Secretary declares in Belfast that "Ireland never was in such a peaceable condition," and

in the House of Commons he declares that the people must not enjoy the blessings of a free Constitution. Sir, the opinion growing every day—every night—in this House strengthens the conviction, every Bill which you defeat encourages the belief, that, in the words of Lord Russell, “In England the Government is a government of opinion—in Ireland it is a Government of force.” Constitutional Government there is none in Ireland. You do not trust the people, for you have made the police and the informer your garrison. It took you 16 years to unite the exchequers; 25 years to unite the countries commercially; 26 years to assimilate the currency; 58 years to equalize the Excise duties, but 76 years have failed to unite the two countries in feeling, in friendship, or in goodwill. In your treatment of the other portions of your vast Empire you pursue a wiser and more generous policy, and in countries where you have not given a native Parliament, you employ every means to secure your own power, and to conciliate the conquered race. You sent out a Royal Prince and future Emperor to court the smiles and win the favour of Eastern Nabobs, bravely exposing himself to the perils of a pestiferous climate, to the fanaticism of a treacherous population, and to the not less dangerous adventure of travelling in one of Her Majesty’s ships. The Act of Union has produced a separation between the two peoples; it has been a union in name and not in spirit; a union written on parchment, and not upon the hearts or affections of the people. You have an Act of Parliament ironically called the Act of Union, but it has not, it cannot, and it never will, unite the two countries. The two Kingdoms may be united, but the two peoples are divided, and a divided people tends sooner or later to a divided kingdom. To call the present connection between the two countries a union is a misnomer; we have a union, it is true, but we are not united. You can maintain that union by the sword, and by the sword alone, as Prussia can maintain her union with Alsace or Lorraine, and Russia with Poland. But is such a union lasting?—will it dissolve beneath the heat of growing Continental complications? A union, to be lasting, must be founded on the friendship and self-interest of both countries; any other union is a de-

lusion and a snare. This Irish difficulty every year becomes more difficult. I trust it may never become the Irish impossibility. Your Government has always been a mixture of concession and coercion; if you consider coercion a tonic you have grievously erred in your political diagnosis. The Irish people are sick of such tonics and stimulants; they now require sedatives. But, Sir, what are the great objections against an Irish Parliament to manage Irish affairs? One hon. Member timidly suggests that it is a risk; but let me remind him that it is sometimes wise, even in politics, to speculate; for a trifling risk you may realize a large gain, not that I advise gambling; but, remember, if Home Rule is an experiment, experiments are justifiable when all other measures have failed. Why, Sir, our greatest political measures have been experiments. The Act of Union was an experiment—aye, and an experiment that has now for 75 years been “tried and found wanting.” If an experiment is to be tried, the fit and proper time to try it is when its possible failure could entail no evil consequences; and England being now at peace with all the world, and in the zenith of her power and greatness, she may, without any risk or danger to herself, try the experiment of giving justice to the Irish people. We hear the cry of Catholic ascendancy and priestly domination, but I look to Ireland, and I witness Catholic constituencies returning Protestant Members to this House, and if hon. Members still doubt, let them, at the next Election, send a Catholic candidate, laden with money, to oppose my Protestant Friend the Member for the county Cork, and he will very soon return to this country a wiser, a sadder, and a poorer man. No, Sir, a wish for Catholic ascendancy does not exist either among the priesthood or the people of Ireland. The Catholic and Protestant cantons of Switzerland unite for common defence and common weal. The Catholic soldiers of Bavaria fought for Protestant Prussia against their Catholic brethren. How often have the Catholic soldiers of Ireland fought side by side with their Protestant comrades in defence of Protestant England?—and will any one now assert, because you give to the people of Ireland their own Parliament, the Irish soldier will not shed his blood as freely as heretofore for the defence and glory of

England? Such an idea can hardly be seriously entertained by any Member of this House, unless it might exist in the religious imagination of the hon. Member for North Warwickshire (Mr. Newdegate), or in the mind of his hon. Friend the Member for Peterborough (Mr. Whalley). But then you have another great objection—one more widely entertained, and which upon all occasions you parade before the public—the fear of separation. A Parliament sitting in Dublin, managing purely Irish affairs, is to cause separation between the two countries. I fear that those who advance such an argument do not profit much by the lessons of history. Self-government has not made Canada, Australia, the Isle of Man, or Hungary, seek for separation. Why should Ireland be an exception? If Ireland were like Canada or Australia, some thousand miles from British shores, you would doubtless allow her a Parliament of her own, and she would be as prosperous and as contented with British rule as Canada now is; and if Canada were only a few hours sail from England, and were denied Home Rule, she would be as Ireland now is—determined on having it. Self-interest is the motive power of nations as well as of individuals. Ireland will not separate when it is her interest to unite. It is a guilty conscience that makes cowards of us all, and conjures up before your affrighted imagination the dread spectres of separation, dismemberment, and ruin to the British Empire. These are but the idle fancies of an empty dream. Let me entreat of you to banish from your minds this childish dread of an imaginary separation, and give back to the Irish people that “which not enriches you, but makes them poor indeed.” It is you who would cause separation by forcing a hateful Legislative Union upon an unwilling people. If Ireland is to be a partner in the firm of Great Britain and Company, she ought to enjoy the rights of partnership. She should have her share in the profits as well as in the losses. We do not seek for a dissolution of partnership, but it is clear that the present mis-called Union tends in that direction, and, therefore, it is the duty of Government and this House so to alter and adjust the present Union that being acceptable to the people of Ireland and compatible with the interests of England, it may be made

a source of strength and stability instead of being, what it undoubtedly is, a source of weakness and of danger to the State. England should remember that she has her duties as well as her rights. Her rights she has exercised, but her duties she has not performed. There run through nearly all classes in England a certain amount of prejudice or dislike to everything Irish, springing principally from ignorance or former recollections, and too often uncured by reason and uncontrolled by policy. Isaac Walton, who was the father of anglers, tells the fisherman, in baiting his hook, to hold the worm as if he loved him; and I am forced to think that the love of England for Ireland is of the same description as the love of the angler for his worm. [“No, no!”] An hon. Member says “No,” and, Sir, I gladly admit that there are exceptions to this rule, as there are to every rule—except, of course, to Home Rule; but still I am inclined to think that the love of Ireland is too often like the love of oysters and caviare—“an acquired taste.” But admitting your love for us to be unbounded, does it alter the feelings of the Irish people? Do they appreciate your administration? Do they forget the history of the past? Do they not know “by what bye-ways and crooked paths” you gained the Union? Do they not know that the bankers of Dublin, at a meeting on the 18th of December, 1798, resolved—

“That since the renunciation of Great Britain, in 1782, to legislate for Ireland, the commerce and prosperity of the Kingdom have eminently increased?”

Do they not know the Dublin guild of merchants pronounced the same opinion? Do they not know that Lord Chancellor Plunkett said in 1800—

“Ireland’s revenue, her trade, her manufactures, are thriving beyond the example of any country of her extent, not complaining of deficiency in any respect, but enjoying and acknowledging her prosperity?”

Do they forget the language of the Right Hon. John Foster—

“Legislative independence has not only secured but absolutely showered down more blessings, more trade, more affluence, than ever fell to your lot in double the space of time since its attainment?”

Have they forgotten the words of Lord Clare—

“There is not a nation in the habitable globe which has advanced in agriculture and manufactures with the same rapidity in the same period?”

No, Sir, you cannot obliterate from the Irish mind memories like these. The cloud of present poverty does not darken the sun of past prosperity. These facts are sunk deep into the Irish heart, and have given the greatest impetus to every movement for the restoration of an Irish Parliament. Your Irish policy, to borrow the words of a distinguished statesman, has been "a plundering and a blundering policy," for it has robbed the Irish people of their legislative independence, and it tends towards the disunion and the separation of the two countries. The strength and durability of your Empire ought to depend not upon your armies, or your iron-clads, but upon the hearts and loyalty of a united people. I do not even ask you to discuss this question from an Irish point of view. Throw over, if you will, the local interests and prosperity of Ireland, and regard this measure solely as it affects your own status as a great and powerful nation. In time of war Ireland being the weak point in your defence, will be the first point of attack, and being the most vulnerable part, will be the hope of your enemies and the fear of your friends—for Ireland is the heel of the British Empire. Even in time of peace what effect has the state of Ireland upon your foreign relations? Does it not hamper and embarrass your foreign policy?—and in the international disputes in which England has been, and may be engaged, is it not a drag-chain upon your Foreign Minister, and is it not an incentive to the extraordinary demands and pretensions of foreign Powers? In short, whether in peace or war, the state of Ireland is a danger to the Empire. We propose a remedy which we believe would be effectual, and you reject it with scorn. To let well alone may be a safe policy, and perhaps will be accepted by some hon. Members opposite as a correct definition of Conservatism; but to let bad alone is revolutionary and dangerous. You must admit there is something bad in the state of Ireland; if you cannot ignore that fact, it is your duty to look to it in time. In 1844, the right hon. Gentleman now at the head of Her Majesty's Government declared in this House—

"That he never believed Ireland would be a great difficulty, because he felt certain that a Minister of great ability and of great power would,

when he found himself at the head of a great majority, settle that question."—[3 *Hansard*, lxxii. 1010.]

Sir, I think the time has come when we have the great Minister and the powerful majority, and I hope the right hon. Gentleman still entertains some of the opinions of his earlier days. But what, may I ask, has Her Majesty's Ministers done, in this, the third year of their office, to remedy any of the grievances of which we complain? Nothing, absolutely nothing, except to take a leaf out of their predecessors' book, and to "furbish up the rusty old tools" of former Governments, by imposing upon our country that much cherished fondling of British statesmen, miscalled a Peace Preservation Act—an Act which its authors seem to look upon in the same light as Professor Holloway looks upon his pills as a cure for everything, at least for every Irish complaint. I have not the honour to belong to the medical profession; but I cannot see how you can safely prescribe for an invalid without knowing something of his habits and constitution, and I fear that neither the present distinguished Leader of the Government nor his equally distinguished Predecessor, that "most potent," and I believe I may say, reverend statesman and expostulator, know a whit more of the character and constitution of the Irish people than does Professor Holloway know of the numberless dupes who swallow his pills. Expediency first and justice afterwards is the motto of modern Governments. Depart, for once, from that principle, and you will find in the future destinies of this Empire that justice is the best policy. Put not your trust in "foreign alliances;" they are fragile and only made to be broken, and will last as long as it is the interest of the contracting parties to observe them and no longer. Rather seek out "home alliances," the true foundation of a nation's greatness. We offer you a home alliance that will be your sheet anchor in the hour of need. By a timely concession you can secure that alliance. Be wise in time; do not wait till concession ceases to be a virtue and becomes a necessity. Remember that to know when to concede is as important for a Minister as to know what to concede, and in both these points your Irish policy has always been defective. You have built up your vast fabric of British rule in Ire-

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land not upon the sympathies, sentiments, and affections of the people, but upon unconstitutional force, and upon laws which Lord Palmerston declared "few absolute Governments would, by their own authority, establish." Free yourselves from the fetters of prejudice and the trammels of domineering policy; expand your minds and your hearts towards the people beyond the Channel; inaugurate a new policy; alter your physical force mottoes; return to the paths of Constitutional Government; trust the people; make your laws in unison with their character; be guided not by the opinions of a faction, but by the feelings of a nation, and if, in good faith, you do these things, Ireland may yet become great in its own prosperity, powerful as an ally, and willing to associate its future with the destinies of this Empire.

MR. MULHOLLAND said, that the hon. Member who had just addressed the House in support of the Resolution (Mr. R. Power) had expressed a hope that it would not be met in a spirit of defiance, but he had never heard of any proposition made by Irish Members being met by the present Government in any such spirit; but he hoped they would meet this proposition with firmness, and he trusted also that both sides of the House would unite in rejecting it with an emphasis like that by which last night they rejected another proposition. It was important that they should do so, as it would dispel an illusion which he was afraid was being diffused in Ireland, and which, if allowed to grow, would make it possible one day, in the exigencies of Party, to surrender all that it was the first duty of a Government to defend. The fact was that Ireland would never be content until her people had learnt that to acquire property they must work, and that the majority would not be permitted to despoil the minority, merely because it was a minority. The arguments which had been adduced in support of the Motion were to his mind the strongest that could be used against it, because they had all tended to show that Ireland was an integral part of the United Kingdom, and in such a case no one could with any show of justice urge that independent Parliaments were either necessary or advisable for the purposes of good government. When, 36 years after the Act of Union was passed, a proposal for the repeal of the

Act was laid before Parliament, the strongest objection made to it was that it would be impolitic to disturb a connection which had existed so long. How much stronger was such an argument now that every fibre of the national life of the two countries had become closely intertwined? Beyond that, their geographical relation to each other clearly marked them out as coming under one jurisdiction. Sir Robert Peel, once speaking of Ireland having an independent Parliament, said that she never had been independent and never could, and that if the same experiment were to be tried over again, it would end after a series of troubles in the same solution. Every possible trial of an independent Parliament was made before it was given up, and every attempt to bring the two Parliaments into harmony had been made in vain; and it was clear that since that system was abandoned the prosperity of Ireland had been much greater than it was before. The exports from Ireland were greater by 12½ per cent in the 10 years following the Union than they had been in the previous 10 years; while in the same period there was an increase of close upon 30 per cent in the tonnage of ships built in the country. In all other respects it could be shown that the prosperity of Ireland steadily increased after the Act of Union was passed. The Report of the Railway Commission stated that in the year 1836 the exports had risen to £17,300,000, and the imports to £15,500,000, showing that they were three-and-a-half times greater than they were at the time of the Union. But the hon. and learned Member for Limerick said that the condition of the people was better before the Union under the independent Parliament of 1785 than it now was. He (Mr. Mulholland) would be content to rest the whole case on a comparison of the condition of the country before and after the Union, and if they consulted Master Fitzgibbon's book they would find from the facts stated that that was very far from being the case. In the 10 years after the Union the imports rose from £5,000,000 to £7,500,000; while in the 10 years before the Union the shipping fell from 66,761 tons to 53,181 tons. In shipbuilding the tonnage declined in the five years before the Union from 9,527 tons to 6,430 tons; and in produce from £246,450 to £230,360, showing a decline in the three great ele-

ments of national progress in the years immediately preceding the Union. The Parliament of 1785, it was true, did something for the encouragement of trade, but it was by a system of bounties, protection, and prohibitions which affected every article of trade, and ruined the export trade in Irish linens. Nothing had been stated that showed that the condition of the people in Ireland was better before the Union than it had been since. In 20 years before the Union, under the Independent Parliament, the Custom House returns of Belfast had only increased by £2,000. Five years afterwards they reached £228,000 from £62,000. The fact was that the spring forward which Ireland made when she was admitted to a free partnership with England was surprising. It would, he thought, be admitted that as regards agriculture it had advanced as fast as any other department of industry, and pauperism had decreased, the number of paupers in the workhouses in 1869 being 57,000, while in 1874 the number had fallen to 49,000. Allusion had been made to the decrease of the population of Ireland, but it ought to be remembered that in 1841, when the population had reached its maximum, the number was totally beyond the powers of the land to support; compared with other agricultural countries, it was per square mile or acre very far larger than was to be found elsewhere. The population of Ireland in 1841 was 8,000,000, whereas at the time of the Union it was only 4,000,000; and if its progress had not been checked, and if it had been going on in the same ratio up to the present day, the population of that country would now have amounted to 14,000,000. However sad the diminution was, it would appear from that fact that it was necessary, and therefore it was inevitable. The Census Returns showed that 43 per cent of the people then lived in cabins containing only one room, and 40 per cent in dwellings that were little better than mud cabins. It also appeared from the Report of the Royal Commission that 2,500,000 of the Irish people were at that time without employment for 30 weeks in every year. They were, in fact, paupers, who only subsisted upon the charity of others, and every one would rejoice that many of them had since found a home in which they could obtain a scope for their in-

dustry. Even now the present population of Ireland was 174 to the square mile, which was equal to the population of France and Prussia, and greater than that of Austria, while it was as great as that of the agricultural parts of England. Leinster had 10 per cent more population than Munster, whilst Ulster was still more thickly populated, resembling in this respect Northamptonshire. He could not see, under these circumstances, that there was any longer room for saying that the population of Ireland had diminished in consequence of the Union, or that such diminution could be properly a subject for regret. It could have been desired that the diminution of population had not been effected under such melancholy circumstances, but the change for the better on the part of those who had emigrated could not be denied, and it could be as little doubted that the condition of those who had been left had been greatly improved. The people in their habits, their dress, and their food had since that period shown the most extraordinary advance ever made by the people of any country in the world. There was nothing more surprising than the way in which, throughout this debate, the Province of Ulster had been ignored, yet Ulster contained one-third of the population, and more than one-third of the wealth of Ireland. Lord Castlereagh, writing at the time of the Union, said that Ireland contained 500,000 Protestants who were opposed to the Union, 3,000,000 Roman Catholics who were in favour of the Union, and 500,000 Presbyterians who were so occupied with their own affairs that they cared very little about it. It was that absence of political agitation which had placed Ulster in its present thriving and prosperous condition. He would again repeat that he trusted that both sides of the House would join as emphatically as they did last night in rejecting the present Motion. He thanked the noble Lord (the Marquess of Hartington) for the very straightforward manner in which he had opposed the Bill of the hon. and learned Member (Mr. Butt), and trusted that there would be no attempt to coquet with the present Motion, because it had a tendency to arrest the progress and prosperity of the country, and to scare away that capital which imparted the confidence and gave employment to the people.

*Mr. Mulholland*

**JOHAEL HICKS-BEACH:** the hon. and learned Member Limerick brought this subject forward years ago, he submitted a Motion in favour of Home Rule, and the House to declare that the power of managing exclusive affairs should be restored to Parliament. In the same way, the hon. Member for Westmeath (Mr. P. J. Smyth), in a speech which I have heard of, whatever I think of the opinions it expresses, I must admire as one of the ablest arguments and eloquence ever presented to the House, expressed boldly the views he would have had if a vote had the force it would have allowed him to do so. Is the Motion we have before us now? It is ostensibly, merely a Motion into the great subject that was brought forward years ago by the hon. and learned Member for Limerick brought under the consideration of the House. I can conceive the importance of the position which has been taken by the hon. and learned Member for Limerick to make so half-hearted a Motion. I can understand how necessary it is that the hon. and learned Member should find a moment of silence of two years, again to bring before the eyes of his followers this vague idea, which he has put forward without risking those divisions which some symptoms have shown in this House to-night, and which symptoms have been seen in Ireland. I can understand the hon. and learned Member may have thought it would be a covert Motion of the kind, to get the support of one or two Members of the House who, in deference to the opinions of a portion of their constituents, might omit for a moment to consider the principle which was proposed, and vote to refer the Constitution of the United Kingdom to a Committee. On the part of the hon. and learned Member, I have but to express my regret and decided opposition to the Motion now before the House that was brought forward years ago. I gave to the more direct Motion.

There are questions which have been referred to Committees—principally that the House cannot have the propriety of inquiring into the merits of whatever view a Committee takes, I am not prepared to assent to a Motion for changing the Constitution of the United Kingdom and esta-

blishing an Irish Parliament for the exclusive management of Irish affairs. I think it is somewhat strange, after the expressions of opinion that have often been heard from some Irish Members as to the incompetence of the House to legislate impartially for Ireland, that this Resolution should receive their support. The hon. and learned Member for Limerick is so simple in his confidence that he would refer the one Irish subject, which he and his Friends consider of paramount importance, to a Committee of English and Scotch Members, to be presided over by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), whom I wish joy of his task, and leave it to them to settle the future government of Ireland.

**MR. BUTT** wished to explain. He said distinctly he did not propose to refer to that Committee any decision upon a Constitutional question. What he did wish to refer to it was, as the Resolution expressed it, the duty of inquiring into facts and circumstances with which this House ought to be acquainted.

**SIR MICHAEL HICKS-BEACH:** I am afraid that view can hardly have been entertained by the followers of the hon. and learned Member. All who have listened to the course of the debate this evening will have seen that all the speakers who have supported the Motion of the hon. and learned Member evidently felt that its success would imply the adoption of the principle of Home Rule, and if that principle is adopted by the House, what will the Committee have to do, except to apply it in all its details. ["No, no!"] As, then, we are discussing the principle of Home Rule, I think it reasonable that those who support it should be called upon to say what is meant. The hon. Member for Mayo (Mr. O'Connor Power) has remarked that a desire is often expressed for a definition of Home Rule; and, considering that the Home Rule Party was formed at a Conference held nearly three years ago, and that the question has been so long before the country, I do not think it is too much to expect that some day we shall be told in all detail what the proposal really is. I will submit that it is not by concealing what is desired, and how it is to be carried out, that the support of public opinion in England and Scotland will be secured. No Party in a similar position



has ever attained its end, unless it distinctly sets before the public what it wants and how it means to arrive at it; and I trust that speakers on the opposite side, if not this evening, at least on the next occasion when the subject may be brought before the House, will state their end, and how they mean to reach it. If they desire a National Parliament for Irish matters, that may be effected in more ways than one. It may be accomplished by total separation from the United Kingdom; but I dismiss that idea at once, because it has always been claimed—and I myself am ready to admit it—that the hon. and learned Member for Limerick has approached the subject in a constitutional manner, as becomes a loyal subject of the Crown; and it would be incompatible with any constitutional feeling and with loyalty itself to propose, here or elsewhere, the total separation of Ireland from the United Kingdom. Well, then, is it repeal of the Union that is desired? On this point some evidence has been afforded this evening. There is no doubt that the hon. Member for Westmeath, and those who agree with him, would prefer a repeal of the Union to the nondescript proposal of the hon. and learned Member for Limerick. Some time ago last autumn the hon. Member for Meath (Mr. Parnell) made a speech in which he said that Home Rule and Repeal meant the same thing.

MR. PARNELL: What I said was that Home Rule would necessarily entail repeal of the Union.

SIR MICHAEL HICKS-BEACH: I think I quoted the hon. Member pretty correctly; but the hon. and learned Member for Limerick (Mr. Butt) repudiates any wish to repeal the Union and to return to the old state of things—[MR. BUTT: Hear, hear!]  
—because that will leave the Irish Parliament a vassal, subject practically to the English Ministry, incapable of interfering in questions of peace or war, in foreign or colonial affairs; while, on the other hand, it will place the United Kingdom in the position of not being able to use its full strength against any foreign Power. In preference to repeal, the hon. and learned Member for Limerick has put before us a certain kind of federation; but the House must remember that federation implies a previous separation. The States which

have entered into such a bond have, with one exception, been previously independent and tolerably equal, and have joined together for common national purposes with a view to a more complete union in the future. But in the present instance we must dissolve an union before federating, and if separation be accomplished, the hon. and learned Member will probably find that no small portion of his followers will have no wish to complete the rest of his scheme. The exception to which I have alluded is the case of Austria and Hungary. ["Hear, hear!"] I do not remember that the hon. and learned Member has ever proposed federation on the same basis as has been agreed upon between those two countries. But as the allusion just made has been received with sufficient assent to show that some persons, at any rate, desire to place Great Britain and Ireland in the same relative position as Austria and Hungary, I will remind the hon. Member who cheers, that the position of Hungary at the time of the federal arrangement with Austria was totally different from that of Ireland at the present moment. Hungary was a country with ancient liberties; Ireland, as the hon. Member himself has often admitted, has none except what she obtains under Saxon rule. Hungary was a country that had been deprived of those liberties, and brought under a despotic government; Ireland, I will venture to say, is a member of the freest Empire in the world. Hungary was larger in area than the country with which she had federated, and had a population in the proportion of 15 to 20 as compared with Austria. What proportion of population or wealth will Ireland import into a federation with Great Britain? The circumstances of Austria and Hungary and of Great Britain and Ireland are so dissimilar that I will not further pursue the comparison, but address myself to the examples of the United States or the Dominion of Canada, which the hon. and learned Member himself has more than once suggested. Much has been said by the hon. and learned Member about our being ready to concede liberty to our colonial dominions, but denying it to Ireland. I do not suppose the hon. and learned Member intends by that to imply that Ireland would be satisfied with the position of a colony in

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in so Great Britain. By accepting  
omission she would obtain legislative  
ndence for herself, but she would  
ave that representation in the Im-

Parliament which she now pos-  
. She would have no influence  
e general affairs of the Empire,  
ould practically sink into the  
m of a Province. But the hon.  
arned Member has suggested that  
nd and Ireland should be in the  
m of two of the States of the  
ican Union. ["Hear, hear!"]  
t be denied that the relative posi-  
f England and Ireland at the pre-  
ime and that of the States of the  
ican Union before federation is  
ially different? We are united  
ey are separated, and it would be  
f the most suicidal folly to disin-

the United Kingdom at a time  
other nations are consolidating  
strength. But the United States,  
g at first preserved "State Rights"  
the greatest jealousy, has been  
nally compelled to vest more and  
power in the Federal Government;  
eir whole history shows that the  
liberties of the component States  
y great Federation must be far  
limited than will at all suit the

of those who have supported  
Motion. But is it the Act under  
the Dominion of Canada is formed  
the hon. and learned Member  
s to adopt? I will just remind  
louse of the circumstances of that  
re. The colonies now forming  
Dominion of Canada are separated  
each other by hundreds of miles.  
have no common ties; several of

have no railway or telegraphic  
unication; their interests are an-  
istic; they have populations totally  
ct in race and language—in short,  
have every element of separation.  
they saw so clearly the advan-  
of union that not only did they re-  
upon federation, but they gave all  
wer they could to the Dominion Go-  
ernment, retaining as little as possible  
e provincial authorities. Having

d to the fact that the Dominion  
ument, or authorities responsible  
control all the acts of the pro-  
d Parliaments, I will venture to  
at the latter bodies are far from  
what the hon. and learned Mem-  
esires to see in Dublin. In fact,  
are little more than county as-

semblies, and in power of taxation have  
little more than municipal rights. If  
we establish in Ireland a provincial  
Parliament on the Canadian system,  
we should, I contend, do nothing that  
would really satisfy those who make  
this demand; while, on the other  
hand, we should make a change of the  
greatest importance in the Constitu-  
tion of the United Kingdom, because  
we must substitute a written compact  
for the unwritten Constitution, which  
has been the pride and boast of this  
country. We must define every right  
of the Federal Parliament and the  
provincial Parliament. We must in-  
stitute a Supreme Court, if we can,  
to decide disputes between the two Par-  
liaments; and all for what? In order  
that we may have a thing which will  
not satisfy those who are the real sup-  
porters of the Motion before the House.  
For can the hon. and learned Member  
for Limerick tell the House that even if  
his full demand, whatever it may be, is  
granted, there will be no discontented  
party whatever in Ireland? I venture  
to say that the success of the hon. and  
learned Member will be the signal for  
the immediate revolt from his control  
of a Party, who even now gives him  
some trouble—the Nationalist Party.  
They would not be mollified towards  
him because of his success. I can  
conceive the hon. and learned Mem-  
ber, as head of an Irish Provincial Go-  
vernment, called on to take severe mea-  
sures, in order to keep the peace in Ire-  
land. I can conceive him, in the event  
of a failure of the ordinary laws of the  
country to secure order and protect pro-  
perty, compelled to come down to the  
provincial Parliament to impose some-  
thing worse than the Coercion Acts,  
against which he has so often com-  
plained. Those who look back into the  
pages of Irish history will find that an  
Irish Parliament did not satisfy the  
United Irishmen of 1798. What was  
the history of Wolfe Tone? What was  
the object he had at heart? He was not  
satisfied with an Irish Parliament; he  
wanted to break entirely that connection  
with England which he described as a  
never-failing source of Irish troubles.  
I congratulate the hon. and learned  
Member on the prospect before him if  
his proposal should be acceded to. Why  
has this idea of Home Rule obtained  
popular support; is it not that every

I know of no Federal system whatever where the Customs duties are not under Imperial control. Will the hon. Member for the County of Limerick (Mr. O'Sullivan) be satisfied with a Parliament which cannot stop the blending of Irish whiskey? Again, there have been discussions in this House showing the different views taken by Irishmen and Englishmen as to the relative ability of Ireland and England to bear taxation, and it may be easily imagined that that would be an endless subject of difference between an Irish Provincial Parliament and the Parliament of the United Kingdom. Then, as regards foreign affairs, cases may arise bearing on religious topics which will have a special interest to the majority of the Irish people, who may wish to take a course which the Parliament of the United Kingdom cannot approve. In such a case will there be no risk of a quarrel between the two Parliaments? ["No, no!"] Is it quite impossible that some of the Militia in Ireland will be inclined to do more than is necessary for the national defence, and perhaps even to take part in a modern crusade? These are risks so terrible that nothing which has been adduced in the arguments of the hon. and learned Member can for a moment outweigh them. Now, I come to the last topic in the hon. and learned Member's speech—namely, the alleged failure of Parliament to deal with Irish legislation. First of all, I demur to the hon. and learned Member's interpretation of Irish legislation. The hon. and learned Gentleman has expressed an opinion that nothing will be done until all is Irish beneath the Irish sky. For my own part, I complain of the narrow bounds of the hon. and learned Gentleman's horizon. Has Ireland nothing to do with foreign affairs, with the management of our great Colonial Empire, and with the well-being and efficiency of our Army and Navy? Are these subjects not Irish? They have this year frequently occupied the attention of Parliament and been discussed by some Irish Members with much profit to the House. And there has been legislation dealing with Ireland as a part of the United Kingdom that does not seem to have occurred to the hon. and learned Member for Limerick. For instance, the Merchant Shipping Bill, on which so large a por-

tion of the time of the House has been spent during the present Session, applies to Ireland as well as to Great Britain. Is it the fault of this House that there are not quite so many sailors in Irish ports as in English ports? ["Yes!"] Yes. That reply can only have come from an advocate of that old system of bounties which no one would now openly defend. There are other recent measures of general interest, such as the Artizans Dwellings Act, the adoption of which by the local authorities of some Irish towns may prove more beneficial to the country than anything that has been done for many years; the Prisons Bill, the provisions of which are to apply to Ireland; and the Appellate Jurisdiction Bill. But, perhaps the complaint is that Bills relating solely to Ireland have been neglected. I quite admit that the Government Bills relating solely to Ireland are not quite so forward as I could wish. But to what is that due? I regret to say that it is due to unnecessary and meaningless obstruction, not by the hon. and learned Member (Mr. Butt), but by a few hon. Members around him. I refer to what occurred more than once upon the Cattle Diseases (Ireland) Bill, and to the course adopted by the hon. Member for Mayo (Mr. O'Connor Power) upon the Irish Judicature Bill. The hon. and learned Member and his Friends complain that they have brought in any number of Bills, and that none of them are likely to become law. Now, the way to secure legislation is not to bring in all your Bills at once. The hon. and learned Member seems last autumn to have allotted to 20 or 25 Members of his Party as many separate subjects, each of them to be represented by a Bill. Some of those Bills, though introduced last February, have never yet been printed, while others have made their appearance in so disjointed a shape that they can never have been meant to pass. More than that, I will assert that very few of these proposals have received any amount of popular support in Ireland. Take, for instance, the Municipal and Borough Franchise Bills, about which the hon. and learned Member has said so much to-night. Petitions were not presented, public meetings were not held in favour of those measures, which came to this House recommended not by outside opinion, but simply by the support of hon.

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Members opposite acting under the orders of the hon. and learned Member. Those Bills have received a fair discussion. Indeed, it would be difficult to recall a Session in which more time has been given to discussions upon Irish affairs. The hon. and learned Member, in addressing his constituents at Limerick, has taken credit to himself for his achievements with regard to these very Bills, and expressed his belief that they would become law at no distant day, and after such a statement does it become him to tell the House of Commons that it has not devoted a fair consideration to Irish affairs? I do not agree with the hon. and learned Member as to those measures, and have felt it my duty to oppose them. But I claim on behalf of the Government, and also on behalf of the House, the same freedom in dealing with Bills promoted by hon. Members from Ireland as that which we exercise in respect of all other subjects. We have been told that Ireland had no Constitution or Representative Government. What assertions can be more unfounded? Ireland never had a more thoroughly Representative Government at any period of her history than she enjoys at the present moment. She has her full share—and even more than her full share—of representation in the Imperial Parliament. All reasonable Irish measures are fairly considered by the House of Commons; and if, after such consideration, they are rejected, so too Scotch and English measures meet with the same fate? Why do hon. Members opposite, who do not represent the most educated, intelligent, or wealthy portion of the Irish people, expect to enjoy the monopoly of always having their own way? If Parliament declines to repeal the Law of Hypothec, or rejects the Burials Bill, we do not hear from Scotch or Welsh Members that this House is not competent to deal with Scotch or Welsh affairs, and that they want to have a Scotch or Welsh Parliament. No, Scotchmen and Welshmen are sensible that Parliament must deal with the United Kingdom as a whole; they are willing to wait for a time, and even to see some of their favourite schemes entirely fail, because they feel that the advantages from the union of the three Kingdoms far outweighs any which can be obtained by a greater power to shape merely local matters according to their particular views. But

I feel that after all there is nothing real in the arguments on this head which the hon. and learned Member for Limerick has addressed to the House. What are we told by him and his followers? "We bring in Bills which you ought to pass; but whatever you do we will have Home Rule." On this side of the House, however, we are bound to reply decidedly—"We cannot concede to you Home Rule—whatever that may be. We tell you that in this matter you have against you not only the Government, not only the House of Commons, not only the wealth and intelligence of Ireland, with all the people of Ulster, of England, Wales, and Scotland, but something more—you have to contend against every social and physical force and the whole spirit of the present age." Why, 76 years ago when Dublin was a week or more distant from Holyhead, when railways and telegraphs were unknown, when communication from Dublin to the South or North of Ireland took as long as it does now to Egypt, when Ireland was for purposes of Government as far from London as Calcutta is now, then our ancestors abolished the separate Parliament of Ireland. What has those 76 years produced? Increased prosperity in Ireland; all those facilities of communication of which I have spoken; common interests in banking, railways, and every kind of trade and commerce; a resident population of more than 750,000 Irishmen in England; and yet in the face of those facts hon. Gentlemen ask us to accept an anachronism. I would ask hon. Members from Ireland, who exercise great influence with their countrymen, to deal fairly by Parliament, and to give it that credit which is no more than its due; not to misrepresent our motives and ignore our actions, but to tell their countrymen what is the fact—that Irish interests are fully and fairly considered in this House of Commons. There is a spirit even now growing in Ireland of a wider nationality than that of Home Rule. During the last few generations there have been repeated outbreaks of sedition; but at each outbreak the recurring wave has diminished in force, as it were with an ebbing tide. Education and prosperity will do their work, and even among those who support Home Rule now there may soon be many who will feel that Ireland is elevated rather than

degraded by her union with England and Scotland, and will thank this House for resisting this night the proposal to degrade her to the level of a Province and remove her from the proud position she now occupies as an integral and dominant Member of the greatest and freest Empire in the world.

MR. SULLIVAN said, the right hon. Baronet had occupied himself during the greater part of his speech with a minute criticism of the proposal put forward by Ireland, through her Party in that House, to adjust the international quarrel between the two countries. He swept the world with critical eye to find out suggestions for fault, for check, for dead-lock, for impossibility; but he (Mr. Sullivan) defied him to show any difficulty in their scheme which would not be multiplied an hundred-fold by what might be practically possible under the British Constitution of Queen, Lords, and Commons. He did not complain in any way of the speech of the right hon. Baronet, or of the tone of the debate. He admitted that a marvellous change had come over that Assembly and over Great Britain in the treatment of Irish questions. Irish questions were discussed in a kindlier and fairer spirit, and in a more courteous tone than formerly; but upon that subject, he (Mr. Sullivan) said, they were not their judges. They were not impartial judges. If they were their judges, who were the defendants? They were not, and could not be, impartial. He could not himself be impartial if he were in their place. They declined once and for all to discuss this question from the low level of a mere Bill before the House. This was no murmur from discontented Essex or Northumberland. This was no dissatisfaction in a county; this was the voice, the complaint, of a nation. That was the protest of a Kingdom foully robbed of all the attributes of its nationhood—of a Kingdom which had never condoned that crime, and which now, in blood and in turbulence, now in civil commotion, now by one means or another, legitimate or illegitimate, had protested and would, while there was manhood in its people, protest to the bitter end. There was such a thing in the world as nationality, national life, national instinct, national pride, and national honour. It was a force that moulded society in the present day more than the sword; and before the spirit of nationality even that

Assembly must bow. The hon. Member for Downpatrick (Mr. Mulholland) had told them that no countries in Europe were so clearly marked out to be one as England and Ireland. Where did that hon. Gentleman learn his geography? Was the line between France and Belgium, or between Spain and Portugal, as distinctly traced as that between Ireland and England? The inexorable logic of facts had for centuries so ordered it that the two islands should be under the same Crown and Government; but from the reign of James I. down to the present day, the Irish people, while they had, with scarcely an interruption, loyally given into the partnership of the three Kingdoms under one Crown and Government, had yet always proclaimed their determined resistance to the absorption, extinction, or domination of any one of the three. They held the patent of their nationhood from on High, and neither the theories of the hon. Member for Downpatrick nor his singular geography could obliterate it. They had been charged with having one speech for the House of Commons and another for the popular platform in Ireland. ["Hear, hear!"] He wished he could identify the hon. Member who said "hear," that he might see whether he always said the same thing to his constituents and to the House. For his part he (Mr. Sullivan) always said the same thing, and he told his constituents that he acquitted this Assembly of any conscious sense of injustice towards Ireland, and that the blame for its wrongdoing was attributable to long existing habits, feelings, and traditions; but he did say that the whole tone of English opinion at the present moment towards the people of Ireland was this, stating it as fairly as he could—"What can we do for you? We Englishmen wish to rule Ireland well, but we mean to rule her—that is to say, we mean to rule Ireland according to our ideas of well, and we mean to rule you, well or ill." They were told that Ireland was prosperous. They heard the hon. and learned Member for Dublin University (Mr. Gibson) last night, and he had hoped to have heard an eloquent speech from him to-night. They heard the right hon. Baronet the Chief Secretary for Ireland referring to the marvellous prosperity of Ireland. Irish prosperity! There were three or four millions of Irish money which had been accumulating in Irish

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banks for some years past to such an extent that Ireland was marvellously prosperous! If he turned to the City articles of London newspapers, he found that this country was proved to be in a deplorable condition by the accumulation of money in our banks. At the present moment every writer on finance and trade would point to the capital lying in our banks, not as a sign of wealth, but rather as a sign of stagnation of our industry. They were accustomed in Ireland to hear a great deal about the plea of Irish prosperity. When Lord Carlisle was Viceroy, at the very period when Ireland was passing through severe sufferings, so much did he dwell upon this topic, that he was constantly called by the name of "Prosperity Carlisle." When Ulster was as Protestant as it was now, and when it was as prosperous as compared with the rest of Ireland, Ulster was most democratic, whether in 1782 or in 1789, and in Belfast was held the first banquet in Ireland which celebrated the triumph of the French Revolution. At the period immediately preceding the Union the Minister in England felt himself safe from impeachment, while he was seeking to corrupt and betray the Irish Parliament. The present feeling which had been expressed towards Ulster was prompted by the sentiment that the people of Ulster should be taught that those who dwelt in Ulster needed the power of England to protect it from this peril. He hoped that Ulster might yet become friendly to Home Rule, for he could not think that Ulster had utterly lost its spirit. He could quote a resolution to the effect that the claim of any body of men over the King, Lords, and Commons of Ireland was unconstitutional, illegal, and a grievance, and that was signed by men whose grandchildren told them that Ireland could never entertain the idea of governing herself. He was glad to find that Ulster was every day becoming more and more Irish, for borough after borough and county after county was coming into the Irish cause. The real issue was this—was there sufficient Irish work to occupy the attention of an Irish Parliament, and could that work be done usefully by such a Parliament? [An hon. MEMBER: No!] Ireland was as large a country as many in Europe, the independence of which had been guaranteed by England. Would they allow Belgium to be amalgamated

or absorbed even by the German Empire, great as it was? He rather thought not. If, then, there was work for an Irish Parliament to do, who could do it more usefully than Irishmen? The Irish people were not and could not be satisfied to have the legislation of their country conducted in London. They maintained that they had the best means of knowing what was wanted for their country, and were therefore best qualified to attend to its interests. The real fact was that England had sacrificed the interests of Ireland to its own love of dominion and its desire to act upon a principle of centralization, instead of adopting federation, a system under which communities could prosper without the healthy life of individual members of the community being destroyed. It was a mistake for England to suppose that the Irish people loved her or her institutions. As a matter of fact, nine-tenths of the Irish people grew up from their childhood with an instinctive hatred and aversion from England. ["No, no!"] Hon. Members might dissent from the statement, but he knew it to be true. He was one of those who grew up with the feelings he had described; but as he approached manhood, and had opportunities of becoming acquainted with the great and noble characteristics of the English character, he looked back with intense regret upon the unreasoning hatred in which he had grown up from the days of his youth. At the same time, it was certain that the feeling to which he had referred still existed, and that it was owing to that fact that England kept Ireland in a state of subjection. ["No, no!"] Well, let them go to the Irish in America and see what were their sentiments. They had filled the world with combustible materials, that bode no good to the peace and tranquillity of England if ever the hour of danger struck for her. In alluding to the hostility of the Irish population he was bearing testimony to facts within his knowledge, not holding forth a menace or threat. The hon. and learned Member for Limerick and his Party now stepped forward to propose a compromise between consolidating the strength of the Empire and securing the liberties of their own land. They made the proposition and they meant to carry it out. They knew that England never would, never dare, to draw the sword upon Ire-

land standing upon such an offer of reconciliation, and from that there was growing up a new England to which they appealed to reverse the oppression of the old. They saw growing up masses of population in the great towns entertaining sentiments of generosity to which the statesmen of former days were strangers. They heard it in the voice of the hon. Member for South Warwickshire (Sir Eardley Wilmot) that evening. If they made a proposal which involved real national disgrace or surrender, England would fight them upon that, but what they proposed was something widely different. Before a year was over this subject would be discussed in very different tones. The Eastern horizon was red with the first fires of a conflagration the end of which no man could foresee, and England might be before long casting about for alliances and sources of strength. She would find none greater than Ireland if her just demands were conceded to her. But if they were refused, England would find in the passive discontent of the Irish people the same source of weakness which the Emperor of Austria found in Hungary when, after he had defeated the Hungarian Army in the field, he discovered that the Austrian Monarchy was about to crumble to pieces. He believed that the effort now being made by his hon. and learned Friend (Mr. Butt) would be attended with the same success as that which had been attained by the popular leaders in other countries, and which had restored peace and contentment and substituted strength for dismemberment.

MR. O'SULLIVAN supported the Motion, and in doing so took occasion to inveigh strongly against English policy in Ireland, and to appeal to the House to terminate peacefully a struggle which was a cause of weakness to the Empire at large.

Question put.

The House divided:—Ayes 291; Noes 61: Majority 230.

#### AYES.

Adderley, rt. hn. Sir C.	Backhouse, E.
Alexander, Colonel	Bailey, Sir J. R.
Allsopp, C.	Balfour, Sir G.
Anderson, G.	Barne, F. St. J. N.
Anstruther, Sir W.	Barrington, Viscount
Antrobus, Sir E.	Bass, A.
Archdale, W. H.	Bates, E.
Arkwright, A. P.	Bateson, Sir T.
Asbbury, J. L.	Bathurst, A. A.

Beach, rt. hn. Sir M. H.	Ferguson, R.
Beaumont, Major F.	Finch, G. H.
Bective, Earl of	Fitzmaurice, Lord E.
Benett-Stanford, V. F.	Floyer, J.
Bentinck, rt. hon. G. C.	Foljambe, F. J. S.
Beresford, Lord C.	Folkestone, Viscount
Beresford, G. De la P.	Forrester, C. T. W.
Beresford, Colonel M.	Forster, Sir C.
Blackburne, Col. J. I.	Forster, rt. hon. W. E.
Boord, T. W.	Forsyth, W.
Bourke, hon. R.	Foster, W. H.
Bourne, Colonel	Fraser, Sir W. A.
Bousfield, Major	Freshfield, C. K.
Bright, rt. hon. J.	Gallwey, Sir W. P.
Bright, R.	Gardner, J. T. Agg-
Brise, Colonel R.	Gardner, R. Richard-
Bristowe, S. B.	son-
Brocklehurst, W. C.	Garnier, J. C.
Brooks, W. C.	Gibson, E.
Brown, A. H.	Gladstone, rt. hn. W. E.
Brown, J. C.	Goddard, A. L.
Bruce, hon. T.	Gordon, rt. hon. E. &
Brymer, W. E.	Gordon, W.
Bulwer, J. R.	Gower, hon. E. F. L.
Burrell, Sir P.	Greenall, Sir G.
Buxton, Sir R. J.	Gregory, G. B.
Cameron, D.	Grieve, J. J.
Campbell, C.	Guinness, Sir A.
Carrington, Col. hn. W.	Hall, A. W.
Cavendish, Lord F. C.	Halsey, T. F.
Cavendish, Lord G.	Hamilton, Lord C. J.
Cecil, Lord E. H. B. G.	Hamilton, Lord G.
Chaine, J.	Hamilton, Marquess of
Chapman, J.	Hamilton, hon. E. B.
Childers, rt. hon. H.	Hamilton, I. T.
Clifford, C. C.	Hanbury, R. W.
Clive, Col. hon. G. W.	Harcourt, Sir W. V.
Close, M. C.	Hardy, rt. hon. G.
Clowes, S. W.	Hardy, J. S.
Cobbold, T. C.	Hartington, Marq. of
Cogan, rt. hn. W. H. F.	Harvey, Sir R. B.
Cole, H. T.	Havelock, Sir H.
Cole, Col. hon. H. A.	Hay, rt. hon. Sir J. C. D.
Colebrooke, Sir T. E.	Hayter, A. D.
Coope, O. E.	Heath, R.
Corbett, J.	Hermon, E.
Corry, hon. H. W. L.	Hervey, Lord F.
Corry, J. P.	Hick, J.
Cotes, C. C.	Hill, A. S.
Cowper, hon. H. F.	Hill, T. R.
Crawford, J. S.	Hinchbrook, Visct.
Crichton, Viscount	Hogg, Sir J. M.
Cross, rt. hon. R. A.	Holford, J. P. G.
Cust, H. C.	Holker, Sir J.
Dalkeith, Earl of	Holland, Sir H. T.
Denison, C. B.	Holmesdale, Viscount
Denison, W. E.	Holms, W.
Dick, F.	Home, Captain
Digby, Capt. hon. E.	Hood, hon. Captain A.
Dillwyn, L. L.	W. A. N.
Duff, J.	Hope, A. J. B. B.
Duff, M. E. G.	Howard, hon. C.
Dundas, J. C.	Howard, E. S.
Eaton, H. W.	Hughes, W. B.
Edmondstone, Admiral	Hunt, rt. hon. G. W.
Sir W.	Isaac, S.
Edwards, H.	Jenkins, D. J.
Egerton, hon. A. F.	Johnson, J. G.
Egerton, hon. W.	Johnstone, Sir F.
Elcho, Lord	Johnstone, Sir H.
Elliot, G. W.	Jolliffe, hon. S.
Evans, T. W.	Jones, J.
Fellowes, E.	Kavanagh, A. MacM.

*Mr. Sullivan*

titleworth, Rendlesham, Lord  
 Ridley, M. W.  
 lonel Ripley, H. W.  
 Lord Russell, Lord A.  
 H. Ryder, G. R.  
 r T. Sackville, S. G. S.  
 a. Salt, T.  
 A. Samuda, J. D'A.  
 . Sanderson, T. K.  
 . Sandford, G. M. W.  
 . Sandon, Viscount  
 . Sclater-Booth, rt. hn. G.  
 i H. G. Scott, Lord H.  
 . Scott, M. D.  
 . Selwin - Ibbetson, Sir  
 R. L. H. J.  
 d Shirley, S. E.  
 . Shute, General  
 . Sidebottom, T. H.  
 . Simonds, W. B.  
 . Sinclair, Sir J. G. T.  
 . W. E. Smith, A.  
 ount Smith, E.  
 . C. F. Smith, S. G.  
 . Smith, W. H.  
 . Somerset, Lord H. R. C.  
 . F. Sotheron-Estcourt, G.  
 A. Spinks, Mr. Serjeant  
 nel Stanhope, W. T. W. S.  
 N. Stanley, hon. F.  
 n. Lord J. Starkey, L. R.  
 . Stevenson, J. C.  
 . W. S. Stewart, M. J.  
 . Swanston, A.  
 C. G. Sykes, C.  
 A. Taylor, D.  
 H. Taylor, rt. hon. Col.  
 . Tennant, R.  
 . Thornhill, T.  
 . R. Thwaites, D.  
 Sir G. G. Thynne, Lord H. F.  
 . Tollemache, hon. W. F.  
 F. Tracy, hon. C. R. D.  
 . Hanbury-  
 . Trevor, Lord A. E. Hill-  
 . Turnor, E.  
 l Verner, E. W.  
 .-Col. Vivian, A. P.  
 count Wait, W. K.  
 G. J. Walker, T. E.  
 hon. Sir Wallace, Sir R.  
 . Walsh, hon. A.  
 E. Walter, J.  
 . Watney, J.  
 . Wellealey, Colonel  
 . L. Wheelhouse, W. S. J.  
 . G. Whitworth, B.  
 . Wilmot, Sir H.  
 . Wolff, Sir H. D.  
 . Woodd, B. T.  
 B. Wroughton, P.  
 D. R. Wyndham, hon. P.  
 . R. Yorke, hon. E.  
 r, Capt. Yorke, J. R.  
 W. H. B. Young, A. W.

## TELLERS.

Dyke, Sir W. H.  
 Winn, R.

## NOES.

Bowyer, Sir G.  
 z, R. P. Brady, J.

Bright, Jacob  
 Brooks, M.  
 Browne, G. E.  
 Burt, T.  
 Butt, I.  
 Callan, P.  
 Carter, R. M.  
 Chadwick, D.  
 Collins, E.  
 Conyngham, Lord F.  
 Cowen, J.  
 Cross, J. K.  
 Dease, E.  
 Digby, K. T.  
 Downing, M'C.  
 Dunbar, J.  
 Ennis, N.  
 Errington, G.  
 Eamonde, Sir J.  
 Fay, C. J.  
 French, hon. C.  
 Gourley, E. T.  
 Hamond, C. F.  
 Henry, M.  
 Kirk, G. H.  
 Lawson, Sir W.  
 Lewis, O.  
 MacCarthy, J. G.  
 M'Kenna, Sir J. N.  
 Martin, P.  
 Meldon, C. H.  
 Middleton, Sir A. E.  
 Moore, A.  
 Morris, G.  
 Murphy, N. D.  
 O'Brien, Sir P.  
 O'Byrne, W. R.  
 O'Callaghan, hon. W.  
 O'Clery, K.  
 O'Conor, D. M.  
 O'Conor Don, The  
 O'Gorman, P.  
 O'Keeffe, J.  
 O'Leary, W.  
 O'Loughlen, rt. hon. Sir  
 C. M.  
 O'Reilly, M.  
 O'Shaughnessy, R.  
 O'Sullivan, W. H.  
 Parnell, C. S.  
 Power, J. O'C.  
 Rylands, P.  
 Shaw, W.  
 Sheil, E.  
 Sherlock, Mr. Serjeant  
 Stacpoole, W.  
 Sullivan, A. M.  
 Ward, M. F.

## TELLERS.

Nolan, Captain  
 Power, R.

Main Question, "That Mr. Speaker  
 do now leave the Chair," put, and  
*agreed to.*

# SUPPLY—CIVIL SERVICES (FURTHER VOTE ON ACCOUNT).

SUPPLY—*considered* in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That a further sum not exceeding £436,410  
 be granted to Her Majesty, on account, for or  
 towards defraying the charge for the following  
 Civil Services, to the 31st day of March, 1877."  
 [Then the respective Services are set forth.]

MR. BUTT said, he would move to  
 report Progress, as the Votes before  
 them involved some important ques-  
 tions in connection with education in  
 Ireland.

Motion made, and Question proposed,  
 "That the Chairman do report Pro-  
 gress, and ask leave to sit again."—(*Mr.*  
*Butt.*)

SIR MICHAEL HICKS - BEACH  
 appealed to the Committee to go on  
 with the Estimates, or else there would  
 be considerable inconvenience entailed  
 in the payment of school teachers' sala-  
 ries.

Motion, by leave, *withdrawn.*



Original Question put, and *agreed to*.

House *resumed*.

Resolution to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

#### LOCAL LOANS (IRELAND) [EXTINGUISHMENT OF DEBTS, &c.] BILL.

Resolution [June 29] *reported*;

"That it is expedient to authorise the Commissioners of Her Majesty's Treasury to extinguish certain Debts due in Ireland to the Consolidated Fund, and all arrears of interest thereon, and to amend the Law with respect to Loans to Local Authorities in Ireland out of the said Fund."

Resolution *agreed to*:—Bill *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

House adjourned at a quarter after Two o'clock till Monday next.

### HOUSE OF LORDS,

*Monday, 3rd July, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Saint Vincent, Tobago, and Grenada Constitution \* (156).

*Second Reading* — Wild Fowl Preservation (134).

*Committee*—General Police and Improvement (Scotland) Provisional Order (Lerwick) \* (122).

*Committee—Report*—Slave Trade (135).

*Report*—Industrial and Provident Societies \* (148).

*Third Reading*—Metropolitan Commons (Barnes) \* (119); Elementary Education Provisional Order Confirmation (Tolleshunt Major) \* (114); General Police and Improvement (Scotland) Provisional Order Confirmation (Paisley) \* (112)—(Perth) \* (113); Public Health (Scotland) Provisional Orders (Irvine and Dundonald) \* (118); Provisional Orders (Ireland) Confirmation (Coleraine, &c.) \* (107), and *passed*.

#### TURKEY—RUSSIAN OFFICERS IN THE SERVIAN ARMY.—QUESTION.

THE EARL OF CAMPERDOWN: My Lords, I rise for the purpose of putting a Question to the noble Earl the Secretary of State for Foreign Affairs, of which I have given him private Notice. It has been stated in the papers that a Russian

officer holding the rank of General in the Russian Army has now a high command in the Servian Army. It has also been stated more than once that Russian officers have been crossing over into Servia—presumably with the object of joining the Servian Army. I beg to ask the noble Earl, Whether those statements are true; and whether he can give the House any information as to the number of Russian officers who have entered the Servian service?

THE EARL OF DERBY: I presume that the officer alluded to in the noble Earl's Question as holding the rank of General in the Russian Army is General Tchernayeff. There is no doubt that General Tchernayeff was formerly employed in the Russian Army, and attained high rank in the Russian service. He subsequently, I am told, quitted that service, and became the Editor of a journal which supports the Slavonic cause. I am informed that he has since accepted the command which he now holds in the Servian Army. As to the other part of the noble Earl's Question—that relating to Russian officers who may have crossed into Servia with the view of entering into the Servian Army—I am afraid that I cannot answer it. Everybody knows, however, that there is a strong sympathy felt among the Russian population for the cause of the Servian insurgents; and it is possible and not improbable that various persons who have held rank and been employed in the Russian service may be serving as volunteers in the Servian Army. But on that point I cannot speak with any certainty; and I have no reason to believe that they do so with the assent, still less with the authority, of the Russian Government.

#### MALAY PENINSULA.

##### RESOLUTION.

LORD STANLEY OF ALDERLEY, in rising to call the attention of the House to the Malay Correspondence, and to move—

"That this House regrets that the Colonial Department did not bestow more attention on the affairs on the Malay Peninsula from the time of the Pangkok Treaty in January 1874 to October 1875,"

said: Before addressing myself to the subject before the House, I desire to make

one or two preliminary observations. I am not going to call in question the acts of any other person than those of the noble Earl the Secretary of State, because he is technically responsible for all that has taken place; and also morally responsible—but I desire to qualify that statement by another. I am not so unreasonable as to expect from the Secretary of State a sufficiently careful reading of all the Papers sent from the Straits Settlements, added to all the mass of documents from all the other Colonies, but the country has a right to expect that that duty should be efficiently performed by the officials of the Colonial Office. If I do not say more in exoneration of the noble Earl in this respect, it is to avoid giving him an opening for saying that I am attacking those officials who are not here to defend themselves. It also well may be that the Staff of the Colonial Office is short-handed for the work it has to do, and I would gladly see the noble Earl take measures to strengthen the Staff of his office. I also feel bound in duty to state to your Lordships that which I have had the pleasure of saying in private, that I am grateful to my noble Friend, and that I feel the gratitude of the country is due to him for his conduct with regard to Sultan Ismail, and for having preserved the country from the disgrace which would have attached to any precipitate court martial or mock trial of Sultan Ismail, such as some persons in the colony were desirous of. I wish now to make an observation on the method of the Colonial Office in the matter of Parliamentary Papers. The Fiji Papers were given to your Lordships on the day of the debate; the Gambia Papers were delivered only one clear day before the discussion. The Malay Blue Book, No. 1,111, was delivered in the beginning of August last, though it professed to have been presented July 31st, 1874. This Blue Book may be called the undiscussed Blue Book, and the noble Earl appears to wish that it should be indiscutable, since it was delivered too late for discussion last Session, and February of this year was too early. One of the Blue Books lately delivered, No. 1,320, also professes to have been presented August 6th, 1875, and these Blue Books were only delivered to the other House on the day of a debate there. I will not say that this method of delivering Parliamentary Papers is intended to

prevent Parliamentary discussion, though it has that effect; but I say it is a strong proof of the procrastination and dilatoriness of the Colonial Office, which have in a great measure contributed to the recent unfortunate events in the Malay Peninsula—and I would ask the noble Earl why he took nearly two months to answer Sir William Jervois's despatch? Now, this House has already, in the Address in reply to the Speech from the Throne, expressed its regret for the loss of valuable lives during the recent military operations in the Malay Peninsula, and it will, no doubt, also regret, though in a lesser degree, the expenditure which has been caused by those operations; it will probably also regret that military operations should have taken place which must have had the effect of indisposing towards us the inhabitants of the Malay Peninsula. And it may be also supposed that it regrets the loss of life amongst the Malays, who were as much patriots as the Poles or any others who have had the sympathy of this country; and if this House regrets all these circumstances, or even if it should confine its regrets to the loss of the valuable lives of Her Majesty's troops, then it must also regret the cause of that loss, and that cause will be found to be principally the want of timely attention on the part of the Colonial Office. The Blue Books contain a discussion between the Secretary of State and the Governor of the Straits Settlements, chiefly turning upon the point of whether the Residents appointed by Sir Andrew Clarke had, or had not, assumed the administration of the countries where they resided. The Governor says they had; and the Secretary of State maintains, in his despatch of December 10, 1875, that the Residents were merely advisers; but I will show your Lordships that all this was clear to the Colonial Office before Sir William Jervois proceeded to his post, and that the Colonial Department approved of all that the Residents did, until Mr. Birch was killed and a dead body was found at their door, and then they did like the people in the Arabian Nights, who endeavoured to remove the dead hunchback from their own to another door. I do not wish to exonerate Sir William Jervois for having gone beyond his instructions, and there is much to object to in the unseemly tone of his despatches; but he has received hard

and unequal measure, for the despatch addressed to him on the 10th December last would have been an admirable despatch, if it had been dated March, 1874, and addressed to Sir Andrew Clarke. And there is another person besides Sir Andrew Clarke upon whom the noble Earl should lay blame, and that is upon himself for not having more closely watched the proceedings of the Straits officials, for not having earlier checked departures from instructions, and from what he now states were his intentions; and the noble Earl has proved that he himself is conscious of this, by his not having recalled Sir William Jervois. Now in proof of this it will only be necessary to place before your Lordships the outlines of certain proceedings along with the dates of the reception at the Colonial Office of Reports upon them. The Report of Captain Speedy was received at the Colonial Office on the 10th May, 1875. From this Report it is clear that Captain Speedy was the chief, it may be said, the sole administrator. Mr. Skinner in his Report says—“Flogging is a more frequent punishment (under Captain Speedy) than in our Courts.” The Secretary of State replied on the 25th May, 1875 (No. 24, p. 84), that he had read Captain Speedy's Reports with interest, and that it was desirable to obtain, if practicable, the abatement of debt slavery. This being a Malay custom was one of the matters the Residents were precluded from interfering with by the Pangkok Treaty. Sir Andrew Clarke had anticipated Sir William Jervois in giving the title of Commissioner instead of Resident to the British officials sent to Sunghie Ujong. Captain Dunlop's Report of his proceedings in that country was received by the Colonial Office on the 30th January, 1875, and on the 4th of March the Secretary of State approved of these proceedings. The Datu Klana of Sunghie Ujong applied to the Governor, Sir Andrew Clarke, for an officer and also for a British flag, “so as to be under the protection of the Great Governor.” This Sir Andrew Clarke granted him, describing the flag merely as a compliment to the British Government. The Datu Bandar, however, a Ruler with powers nearly co-ordinate with those of the Datu Klana, objected to this hoisting of the flag, and a quarrel ensued between the two Chiefs. The

Straits authorities intervened with an armed force in December, 1874. Sir Andrew Clarke informed the Datu Bandar on the 3rd October, 1874, that if he makes war against his Chief, the Datu Klana, he will in truth be making war upon the Queen. Captain Dunlop relates in his Report that he seized three Chinese head men who were suspected of having assisted the Bandar with money. He first pronounced them traitors and rebels who had incurred the punishment of death and confiscation; but relenting from this view he imposed a fine of \$3,000 on each, and as one of them was not ready with his money next morning he had him flogged. There is no word of disapprobation in the Blue Book of such proceedings, and granting that the Klana assented to it, it is not fitting that a British officer should inflict such punishment on behalf of one Malay Ruler on the adherents of another. Captain Dunlop then settled the ways and means of Sunghie Ujong, leased the opium, spirits, and pawnbrokers' monopolies, and established a gambling farm—and the Blue Book does not contain a syllable of protest against a British officer sanctioning the establishment of gambling houses as one of the civilizing elements of the Residential system. In replying on the 4th March, 1874, to the Governor's despatch, forwarding Captain Dunlop's Report, the Secretary of State merely “regrets that the Governor has found himself so soon called upon to resume hostile operations against any of the Malay Chiefs.” It is impossible to account for this absolute acquiescence in a course so diametrically opposed to the professed policy of the Colonial Office, and I can find no other answer than either that the Secretary of State never read the Papers, or that he had no other policy than that which his subordinates chose to adopt. It is unnecessary to trouble your Lordships with further instances to prove that from their first appointment the Residents did not confine themselves to advice, but undertook the administration of the country, and it is only for the sake of the dates that I have referred to them, because the noble Earl has since admitted, in his despatch of June 1st last to Sir William Jervois, that—

“It is indeed clear that the Residents have exceeded the function of counsellors, which they were intended to discharge.”

*Lord Stanley of Alderley*

To turn to another matter, the want of attention or of due diligence on the part of the Colonial Department has been strikingly shown in the selection of the Residents. The noble Earl was as fully conscious as everybody else of the importance of this selection when he wrote to Sir Andrew Clarke on the 4th September, 1874, that—

“It was essential that these very responsible posts should be filled by officers of the highest ability, and on whose conduct complete reliance may be placed.”

Now first, with regard to Captain Speedy. He has done very well according to his lights, and left as he was without guidance; but it does not follow that because he has done pretty well in Larut, he should do well in Perak, since in Larut he had hardly any people but Chinese to deal with. But what was known of him on his appointment? All that was known of him in the Straits was that he arrived there after the Abyssinian War, in which he took some part, and that he was appointed police superintendent at Penang; that shortly after he threw up his appointment and actually entered the service of the Mantri of Larut, who was asserting his independence of the Sultan of the country, and went to India to raise sepoy for his new master. At that time he caused some flutter in India and Indian circles about this matter, and some legal question as to whether it did not fall under the Indian Penal Code or some Act of Parliament. It was in the service of the Mantri that Sir Andrew Clarke found him, and it was a singular appointment to recommend, and one over which the Secretary of State might well hesitate. Next, with regard to Mr. Davidson. He was a Scotch lawyer in good practice at Singapore. He was unconnected with the public service, and if he had been appointed to any other place but Salangore, I should not have called his appointment in question. But on the 10th of May, 1874, I wrote to the noble Earl, telling him there was a report that Mr. Davidson would be appointed to Salangore, and asking him to ascertain something about his relations and pecuniary interests in that country, and that I hoped to hear from him before I gave Notice of a Question on the subject in the House. To the best of my recollection (and subject to the noble Earl's correction if I am wrong) he informed

me that he did not believe there was any such intention. I also stated to your Lordships on the 19th May, 1874, that Mr. Davidson had lent money to Tunku Dhya Udin, but I did not mention his name because his appointment was not certain. It might have been expected, however, that the noble Earl would have cautioned Sir Andrew Clarke not to make such an appointment. Now, these were the pecuniary interests of Mr. Davidson, who since has administered Salangore as Resident. Tunku Kudin, brother of the Sultan of Keddah, came to Salangore and married a daughter of the Sultan. After pressure and interference, by the Straits' authorities, he was established as Viceroy of Salangore under his father-in-law. Meantime he had visited Singapore and made friends with the merchants and officials, and borrowed largely from Mr. Davidson. Before Mr. Davidson was named Resident he had obtained, in March, 1873, a concession of a monopoly of tin mines in Salangore for 10 years, and he and his friends tried to get up a company in England. From an advertisement in a London paper of July 6th, 1874, *The London and China Telegraph*, which, I presume, is taken in at the Colonial Office, it appears that the nominal capital of this company was £200,000, and £100,000 was to be paid to Count Gelois and Mr. Davidson, the concessionaires or vendors of the concession. When the United States Government has lately objected to one of their Ministers holding shares in a company, which he had bought with his own money, we should not be less scrupulous with regard to our Residents. Was a man with private interest of this kind in the country a suitable person to appoint as Resident there? Even Sir Andrew Clarke, who proposed the appointment, felt the incongruity, and so it was arranged that Mr. Davidson, before entering on his office, should transfer his pecuniary rights to some other person; but his letter announcing that this transfer would be made, shows that it was a mere formality. We then find that Mr. Davidson asked for the intervention of the Government to get the Sultan of Salangore to confirm the concession of the tin monopoly, and Sir Andrew Clarke objected to do so, unless the exclusive character of the concession was removed; and the concessionary was limited to one year for marking out the

places where he desired to dig, and two years to begin work. This was consented to. But the Sultan's deed of confirmation contains a remarkable stipulation; it is that, though the tax on other people's tin may be raised, the tax on the tin of the concessionary may not. Was this the stipulation of the concessionary or of the Resident? it matters not, they were the same person. What did the noble Earl say of this? He simply "feels an interest in it, as a promising attempt to extend British enterprise." I would here observe that no balance-sheet of the revenue has yet been published for Salangore or Perak. I come next to Mr. Birch and Mr. Braddell, formerly Attorney General at Singapore. Of the unfortunate Mr. Birch, for obvious reasons, I desire to say as little as possible. Mr. Braddell, though residing in Singapore, has taken part in all the proceedings in the Malay Peninsula as Secretary for Native States; and with regard to these two gentlemen I shall confine myself to reminding the noble Earl that in August, 1874, he received letters of Mr. Aitchison, which, to say the least, showed that the pecuniary relations of these gentlemen with Malay Rulers and others made them unfit for the duties which they subsequently have had to perform. On the 20th November, 1874, the Government and Council of Inquiry into Mr. Aitchison's statement reported upon them. That Report was so palpably unsatisfactory that it should have been sufficient to prompt the noble Earl without my communication of March 2, 1875, to provide better men for a public service, the exigencies of which he was fully aware of. If the noble Earl disputes this view, I must ask him to lay before your Lordships the Report of the Court of Inquiry, and the Correspondence relating to it. There has been a controversy between the Colonial Office and Sir William Jervois as to the cause of the outbreak against Mr. Birch. The Colonial Office has thought it right to attribute the murder of Mr. Birch to the change of policy introduced by Sir William Jervois. In my opinion it was unpremeditated, it arose immediately out of the imprudent act of the interpreter striking a Malay; at the same time I do not believe that act would have had the fatal result which immediately followed, if a store of hatred and ill-feeling had not accumulated in the

minds of the Malays. I find a witness saying that when the affair took place, Maharaja Lelah, the Chief of the village where it occurred, shouted from the steps of his house—

"This is not the will of the Raja, or his order; it is our will, because we cannot stand it any longer. Others' houses have been burned, and where are we to go to, if our houses are burned too! It is better that we should die at once."

This allusion to burning is cleared up by a letter from a writer on the spot, which appeared in *The Times* of December 25th, which says—

"He (Mr. Birch) had made many enemies among the small Chiefs of Perak. The Chiefs are a bad lot, and on several occasions he had to resort to strong measures, such as burning the houses of refractory head men, by way of example."

So that while the Colonial Office fancied that the Resident was acting by advice, he was advising by burning. But the noble Earl wrote to Sir William Jervois, April 8th, 1875, that he had been unable to satisfy himself that they (the Residents then in office) will possess the special qualifications which are absolutely required, and left to Sir William Jervois an opportunity of considering the whole subject, Sir William Jervois, and not the Secretary of State, must bear the responsibility of having left Mr. Birch in a position for which he was unfitted. I think I have now shown that there has been on the part of the Colonial Department dilatoriness and neglect in watching over the conduct of the Residents, and the selection of them, and a habit of leaving the officials to do very much as they thought fit; in short, a want of attention and due diligence at a critical time, and the consequence has been loss of life and expenditure, and that the whole Malay Peninsula has been set in a blaze, and the inhabitants, many of whom have been driven from their homes, have been made hostile to us, and we must either retrace our steps to non-intervention or assume the responsibility and the cost of securing proper government for the people we have now deprived of their independence. I wish to make a few observations on the future policy of this country with regard to the Malay Peninsula. There are said to be three courses which might be pursued—namely, letting it alone without intermeddling; meddling

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Residents; and annexation. I adopt the opinion which I have already expressed in favour of the first course, as our Empire is overgrown, and as it in the Malay Peninsula will cost much expense on this country only to the benefit of the Chinese and a few Europeans and officials in Singapore. It is now, perhaps, useless to put that view except with respect to the Ujong, with regard to which the Secretary of State seems to be of the opinion as myself, I will only mention the other two alternatives. If Residents must, however, be introduced into several shades. I am glad that the noble Earl states that of Sir William Jervois of governing British officials in the name of the Government is only annexation under another name. In fact, it might be called hypocritical or dishonest annexation, if there is a thing as honest annexation. Experience has shown that Sir Andrew Clarke's method ended in the same result as that of Sir William Jervois. It remains the plan which the noble Earl tends to carry out, and which he originally intended. I heartily hope it may succeed, and secure to the country that prosperity and good treatment which they have a right to expect in a country, which has interfered with them only by the right of might. I should state that I am confident of the rectitude of the intentions of the noble Earl; I am only complaining of his dilatoriness, or inability to carry them out. But in order to succeed it is necessary for the noble Earl to select a higher class of men than those who have been hitherto employed; they are directly responsible to himself, and independent of the Singapore Press and mercantile body. I should like copies of all letters from the Government to the Residents to be sent to the Secretary of State, so that he may have to complain, as he has done, that Sir Andrew Clarke's actions to the Residents had never entered his eye, but the Colonial Office do well to adopt the plan of the Foreign Office, by instructing the Residents to send their despatches to the Secretary of State under flying seal to the Secretary of the Straits, in the same way as Her Majesty's Envoys send their despatches to the Foreign Secretary

under flying seal to the Embassies at Paris and elsewhere. But if the Colonial Department should not make a very careful selection of officials for the Malay Peninsula and exercise a severe control over them, further troubles, bloodshed, and expenditure may be expected; and if the choice lay between annexation and administration of Malay States by dictatorial Residents I should certainly prefer annexation, since in that case the Malays would at least obtain the protection of British law. Sir William Jervois very candidly wrote on the 16th October, 1875—

"By ruling in the name of the Sultan the form of government will be more adapted to the conditions of the case, and will enable us to deal easily with matters that might be difficult of solution under English law."

I will ask leave to read an extract from a letter from a gentleman well acquainted with Singapore, written in March last—

"You will be rather astonished to find that the Singapore people (British) are opposed to annexation, and in favour of a Protectorate. This is, however, easily explained. In the former case the Malays and their land will be subject to British laws. In the latter the will of the Governor or Commissioner will be the same, and grants of land and other advantages can be easily made over to Europeans, the ultimate end being that all the good land will be in their hands before long. For this reason, as also because I believe the Malays will have a much fairer chance under British law, I am decidedly in favour of annexation. There is nothing between this and leaving them alone. In any case you had better inquire into this land question, as I hear that some large grants have already been given. Britishers seem to think that if enough rice land is left for feeding the Malays that is all that is required."

I hope the noble Earl will make inquiry as to these grants of land. The Blue Books contain no reference whatever to the burning of houses, and plunder and sale by auction of the plough cattle in the county adjoining Sunghie Ujong. The noble Earl spoke of the reports of these proceedings as "scraps of newspapers;" but I have found from the Barbadoes newspapers that he does not attach an invidious sense to that word, since he spoke of "scraps of official despatches" to a deputation of planters. But from the doubts expressed by the Secretary of State in his despatch of June 1st, as to a foreign element in the force to be employed for the Residents, he would

appear to have some misgivings as to Sikh, Arab, or other levies, for he could not mean Her Majesty's European regiments, and as it is essential that proceedings such as those of the Arab force under M. Fontaine should not recur again, I will ask your Lordships' indulgence for a few moments longer to prove by Christian law and theology that these men were brigands, and as far as concerns the men themselves Mussulman law is identical with Christian law, only that it is rather more precisely declared. The noble Earl called this force Native Irregulars. They were neither; they were only natives in the sense that we are all natives of some place, and they were not irregulars, which is a military term for a particular formation. Let us suppose that this expedition was French, and had invaded Siam from Cochin China, and that instead of this Arab force there was one composed of Germans. We should all say that they were mercenary cut-throats. If they had been Englishmen we should say in addition that they had violated the Foreign Enlistment Act. Now, the Foreign Enlistment Acts were not passed merely to retain Englishmen for the King's service, but in obedience to the Law of Nations. Two Acts were passed in the reign of George II., but the Act of 1819 is the earliest of which there is any Parliamentary history, and I find in it that the Earl of Harrowby used arguments in favour of the Bill founded on Grotius, Vattel, and Puffendorff, and that the Earl of Carnarvon said that—

"He (Lord Harrowby) had marshalled all the Dutch and German jurists in his ranks, and had turned all the scraps and quotations which could be taken from them to the very best use to which ingenuity could turn them."—[1 *Hansard*, xl. 1414.]

Now I have not selected this extract from that debate in order to show the hereditary origin of the use of the word scraps by my noble Friend, but in order to bar his making light of Grotius and other jurists—because he will not now willingly plagiarize his ancestor. Well, Grotius did not invent or originate the law that he lays down; he only follows the teaching of the old Catholic catechisms respecting the 6th Commandment, and he quotes St. Augustin as saying that it is not a sin to bear arms, but a sin to serve for plunder. But if Catholic Catechisms are not considered as carrying weight,

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what was the doctrine and practice of the early Christians? In the year 286 the Roman Emperor brought the Theban Legion, which was composed of Christians, into Switzerland, where they were ordered to attack and exterminate the Bagaude, a Swiss tribe, an expedition similar to that of Sunghie Ujong. This they refused to do, as it was an unlawful order. The Legion was decimated, but as it persisted in its refusal, the whole of it was massacred without resistance on its part, with its commander, St. Maurice, who left his name to the town near the lake of Geneva, where this massacre happened. M. Fontaine's Arabs were not British subjects, and by their own law were strictly prohibited from taking part in such an expedition and became brigands, and if they killed any one, murderers; and if those who offer bribes are as guilty of bribery as those who take bribes, what is to be inferred of those who enrol brigands, or sanction such enrolment? I have now the honour to move the Resolution of which I have given Notice. I do not know whether it will receive any support, but I feel certain that at least the noble Earl will, from his knowledge of the facts, yield his inner assent to it; and I would suggest to my noble Friend to alter the words of the Resolution, and to admit frankly and candidly that, from whatever cause it arose, there is reason to regret that the attention of his Department was not given more in time to the Malay Peninsula and to the acts of the Residents.

*Moved to resolve, That this House regrets that the Colonial Department did not bestow more attention on the affairs of the Malay Peninsula from the time of the Pangkok Treaty in January 1874 to October 1875.—(The Lord Stanley of Alderley.)*

THE EARL OF CARNARVON said, it would be extremely difficult for him, without unreasonably wasting their Lordships' time, to follow the noble Lord (Lord Stanley of Alderley) through the many subjects referred to in the discursive speech with which he had introduced his Resolution, and which was practically a Vote of Censure of a very serious character upon Her Majesty's Government. While listening to the noble Lord he could not help asking himself whether the noble Lord was in sober earnest in asking the House to

agree to this Vote of Censure—which should never have been placed upon the Notice Paper unless the noble Lord was prepared to support it by strong and serious argument. The noble Lord was good enough to give him (the Earl of Carnarvon) credit for good intentions; but surely it was strangely inconsistent with that view of the case to propose a Vote of Censure. The Resolution ran as follows:—

“That this House regrets that the Colonial Department did not bestow more attention on the affairs of the Malay Peninsula from the time of the Pangkok Treaty in January 1874 to October 1875.”

This proposition raised three separate and distinct questions—first, intention; but really to ask for a Vote of Censure on such a point as that, was to turn what was a most important and deliberate act of Parliament into a jest. Secondly, the noble Lord asked the House to express its “regret that the Colonial Department” had failed in its duty. Did their Lordships ever remember before a Department thus attacked? If anybody was responsible it was himself and himself alone. He protested against such attacks upon those who were discharging the duties of a public office with self-sacrifice and self-devotion, and with so much ability—and on that point he knew he should have the assent of both sides of the House. Then the noble Lord censured him because sufficient attention was not paid to the affairs of the Peninsula. What did he mean by “attention?” It was a wholly relative term; and he denied that either the Ministers or the officials could be taxed with any want of attention. It was very difficult to disentangle the noble Lord’s charge from the mass of details with which he had overlaid it; but there were, at all events, some points on which he felt bound in courtesy to the noble Lord and to the House to give such explanation as lay in his power. The noble Lord’s charge, when closely examined, appeared to resolve itself into this—that by the Treaty of Pangkok the English Residents had been converted from advising into controlling agencies—and that he (the Earl of Carnarvon) as Secretary of State ought to have employed any European force during the last two years in support of the Residents. It would be in the recollection of the House that in 1867 the Go-

vernment of the Straits Settlements was transferred from the India Office to the Colonial Office. From that date until 1873 the burden of every despatch that had been sent out by successive Colonial Ministers to the Residents at Perak was that they should interfere as little as possible with the affairs of the Peninsula, and the avoidance as far as possible of political complications. In 1873 a change occurred which was, he believed, forced upon the Government of the day by the overwhelming stress of circumstances. In that year, matters came to a serious head. The Chinese faction were engaged in a deadly feud with the Malays; blood was spilt, the trade of the country was being destroyed, anarchy reigned—and unless the whole district was to go into sheer ruin it was absolutely necessary that some control should be exercised by our Representatives in that country. On the 20th September, 1873, the noble Earl opposite, his Predecessor in office (the Earl of Kimberley), looking to all these circumstances, wrote to Sir Andrew Clarke, who had been appointed Governor, directing him to apply a remedy to this anarchical state of things. Sir Andrew Clarke, proceeding to act upon these instructions, ultimately agreed with the Chiefs in the Peninsula upon a Treaty which settled the question of disputed succession; appointed provisional Residents; and, while pacifying the Chinese rioters, inflicted punishment upon such of them as deserved it. Shortly after this a change took place in the Government of this country, and he (the Earl of Carnarvon) communicated to Sir Andrew Clarke his approval of the arrangements he had made. He thought the subject was one which required much consideration before he expressed even a qualified approval of the course that had been taken; but afterwards he gave a practical sanction to the Treaty engagements, and more recently still he had impressed upon the Governor, in successive despatches, the importance of exercising the utmost caution in dealing with the affairs of the Settlements. During the whole time that Sir William Jervois was in office, only two despatches on the subject of the Settlements reached the Colonial Office, and these described the condition of the country as being everything that could reasonably be desired. It was, therefore, with the utmost asto-



nishment that he heard that the Governor had issued a Proclamation appointing Commissioners at the Native Courts, and making other alterations. The consequence was the outbreak which resulted in the cruel and barbarous murder of Mr. Birch, the British Resident at Perak. It was necessary at once to take strong measures. The troops on the spot were increased from 200 to 300, and after several conflicts, the measures taken put an absolute termination to the outbreak within two months of its commencement. He did not wish to go into the discussions that had arisen between Sir William Jervois and himself—those who wished to study them would find them in the despatches. He could not accept his noble Friend's views that because he saw reason to differ from Sir William Jervois on some points, though he agreed with him in others, it was his duty to recall him. He had a high opinion of that gentleman, formed on his past services, and however erroneous his proceedings in the first instance he had hastened to retrieve them. An important question at issue was whether Sir William Jervois was or was not right in making of his own motion, and without authority from home, a great and serious change in the policy hitherto pursued by England in reference to the government of the Straits Settlements, and on this point he was bound to admit that in his view Sir William Jervois was wholly wrong. In such cases as these the authority should emanate from the Secretary of State, who was responsible to Parliament for the policy adopted. The real question was—what ought to be our future policy with regard to the Malay Peninsula? The ultimate responsibility of colonial government had to be accounted for to the Crown and to Parliament, and a policy which might affect the whole Peninsula and perhaps entail a great expense must originate in the Government in England. On the general question he understood the noble Lord (Lord Stanley of Alderley) to lay down three courses as possible—in the first place, whether it was possible for Her Majesty's Government to withdraw altogether from interference with the Native Governments; in the second place, whether a policy of complete annexation was possible; and in the third whether the old system of advising by means of

Residents could not be re-adopted and continued with certain modifications. With respect to withdrawal, it was simply not to be thought of—it was an unworthy policy, and would be a dangerous policy—instead of relieving us from responsibilities, it would increase complications. It need not, therefore, be discussed. Then, as to annexation, it was a question which had excited the greatest attention at home and on the spot. He drew an extremely small distinction between a virtual and a formal annexation—on the contrary, there were advantages in a formal which did not exist in a merely virtual annexation. Now, the local pressure brought to bear on the Colonial Government in favour of annexation was very great. A great deal of intemperate language had been used, and, to show the prevailing local opinion, he would read an extract from one of the Straits papers of considerable influence. It said—

"The serious nature of the news from Penak and Salangore suggests some reflections. We feel sure that the Government will have the hearty support of every man of common sense in the three Settlements, in taking the severest and most peremptory measures in this matter. It is the colony's quarrel; very well, the colony will settle it. We say this because we apprehend that the Home Government may possibly intervene. Nobody can say now-a-days what a British Government may do; but we distinctly think that the colony should, on its own responsibility, do what is right and proper, and, above all, do it quickly. Furthermore, if the Home Government show any signs of shrinking in this most righteous quarrel, then this colony will rebel, as it once very nearly did before, not against Her Majesty the Queen, but Her Majesty's ignorant and misguided Government."

This language would tend to show the nature and amount of pressure which had been used. The local idea was this—that there was vast room for the development of trade, and that trade would be fostered by annexation. But there was a widely different side to the question, and it was well before deciding to count the cost. Annexation involved the occupation of a district of from 10,000 to 15,000 square miles. Even if the transaction were effected peacefully it would still be an extremely costly operation. They would have to set up the whole machinery of administration, and in any event should maintain a large military force. The mines, which were said to be a source of inexhaustible wealth, were almost universally private property.

There was no agriculture in the country on which they could depend; and the only solution of the question would be the importation of a large number of Chinese labourers which would in itself create an element of dissension and difficulty. If, on the other hand, they annexed by compulsion, of course the cost would be much greater, and they would have to deal with all the difficulties which the Dutch had to encounter. They should in a matter of this kind have regard to Imperial considerations, and should not forget that it affected not only China, but India. They were bound to scan the whole political position, and not to fix their eyes simply upon one spot when such a question arose—and in that view he was of opinion that it would be most imprudent to do anything that would lead them to a wider field, and that the Government should put down its foot steadily against any proposal of annexation. With respect to the system of Residents to which the noble Lord (Lord Stanley of Alderley) had referred—that system had been tried with great success in India, and in one place in the south of the Peninsula it had been already attended with good results. He freely admitted that they should always learn by experience, and it had been the object of Her Majesty's Government, while adhering to the system of Residents, to do so subject to certain modifications which by the light of experience seemed to be necessary. They proposed that there should be in Perak and elsewhere a Council composed of Chiefs of eminence and position in the country to assist the Resident. The use of the Councils would probably be more confined to Perak than the other States; but they would have the machinery and could apply wherever it was thought necessary. He believed that in consequence of those Councils the influence of the Government would be increased rather than diminished. Following the course which had been adopted with great success by the Dutch in Java, he proposed that each Resident should have a body-guard. Had Mr. Birch possessed a small armed force, the tragedy they all deplored would no doubt have been prevented. Lastly, he had deemed it wise to retain Abdullah as nominal Sovereign of Perak, weak and incapable as he had proved himself to be. Those who were familiar with Malay affairs

knew how much importance attached to questions of race and family, and although at some future time it might be possible to make a change, the least dangerous course at present in his opinion was to retain Abdullah as Sovereign—provided, of course, he remained true and loyal to his duties. On the whole, he believed the general effect of the arrangements now contemplated would be good. He looked among other results for this—that the Government would have a better knowledge of the real feelings of the country, and obtain to a greater degree the concurrence of the Chiefs and rulers of those territories than had hitherto been the case. His noble Friend opposite (the Earl of Kimberley), in one of his despatches, had laid great stress on that point, and he (the Earl of Carnarvon) had done the same. The Malay was not a savage, unamenable to good treatment; he would answer to education if it were given him—and the course the Government were now taking was the most likely to educate him up to the standard of good government which was desirable. In conclusion, he would only say that what had occurred in the Malay Peninsula was but another illustration of the many difficulties and responsibilities of Colonial Empire in the East. Our authority was beset by dangers of every kind, against which the utmost watchfulness at home was sometimes of no avail. He quite agreed with the noble Lord (Lord Stanley of Alderley) that the only course to be pursued was to watch very closely the accounts which might be transmitted from the spot, and to require from our officials diligent attention to local circumstances and hearty co-operation in carrying out the policy laid down. Looking at the question in all its bearings, he submitted that the noble Lord had not made out a case for any censure of the Colonial Department.

THE EARL OF KIMBERLEY said, he agreed with most that had been said in reply to the noble Lord's speech, and believing that the noble Lord the Colonial Secretary was justified in the course he had taken, he could not support the Motion. The subject was, no doubt, of very considerable importance. The position which this country occupied in the Peninsula was a very peculiar one. Formerly the Portuguese held a great supremacy there, the Dutch succeeded

to the Portuguese, and ultimately the influence devolved upon the English. Many persons supposed that we might leave the affairs of the Peninsula alone, but no one who studied the actual circumstances of the case could fail to convince himself that a policy of non-intervention was impossible. When European settlements of such importance as those of Penang and Singapore were planted side by side with Malay States, it was impossible for them to avoid exercising great influence either for good or evil on the surrounding population, and with that influence came responsibility. The occurrence of the Chinese riots in Perak, coupled with the danger to the Native States arising from Europeans obtaining large concessions and employing them to acquire political influence, rendered our intervention absolutely necessary. Of course we had no right to prevent European influence from penetrating into the Malay States, but it was our duty to put those States as far as possible in a position to meet the new condition of things. All those circumstances seemed to him to have rendered it necessary to take the state of the Peninsula into consideration with a view to some change of policy. No doubt Sir Andrew Clarke went beyond his instructions, but he thought the noble Earl had done right in upholding his proceedings. He was sorry the noble Lord should have felt himself compelled to pass a reproof upon Sir William Jervois; but under the circumstances he felt bound to say he thought his noble Friend had taken the correct view of the matter. At the same time it was due to Sir William Jervois, who was a distinguished public servant, to say that he had only done what appeared to him to be his duty. He had no doubt committed an error in taking steps before receiving advice from home; but he entirely agreed that it would be unjust to recall him because of that mistake. He was a man of great abilities, and had proved himself a good administrator and Colonial Governor. On the whole, the policy adopted by the Government seemed to be the policy least open to objection. The mistake made by Sir William Jervois was to suppose that because Residents were appointed therefore it was necessary that they should have their own way, and that the States in question, being no longer independent,

ought to be annexed. But in that course of reasoning there were a great many assumptions which were not quite justifiable. It was possible to give Native States wholesome advice without taking them altogether under our control. For an example of the success of that system we had only to look to India. Our system, therefore, should be administered so as not to destroy the Malayan Governments, but to support, advise, and guide them. On the whole, looking at the position we held in the Malay Peninsula, although it might be open to all the objections to which an intermediate course was always liable, yet it was the wisest and most judicious that we could assume; and he was glad to hear from his noble Friend that in all the States where it had been tried, except at Perak, the system had succeeded.

LORD LAWRENCE said, it seemed to him, as far as he could judge, that some blame attached not only to the Governor of the Straits and the Governor of Penang, but also in some degree to the Colonial Office. But the real point as it struck him was that the Governor of Penang in the first instance committed a great mistake in preferring Abdullah to Ismail. Ismail was a man of stronger character than Abdullah, and, above all, he was a man whom the people of the country and the other Chiefs preferred. That appeared to have been the origin of the whole matter. Moreover, our representatives in those parts were placed in a most trying position through having no force near to help them in circumstances of extremity. A greater amount of force—two Native and one English regiments he believed—was formerly kept at the Straits and at Penang, but it had been reduced on the ground of expense, so that when disturbance broke out and troops were wanted they had to be sent for from China, India, and elsewhere. If under the previous system of non-interference they had more troops at the Straits and at Penang, how much more necessary was it that they should have a force of some strength there when they began to change their policy; and if the policy of having Residents at the Native Courts was to be maintained, there must be a considerable increase of military force there to uphold their authority. As to whether they should

ly give up interfering with the internal affairs of the Malay Straits—or, in other words, whether they should draw their Residents from Perak

Laroot—or whether they should leave the country, he thought the policy indicated by the noble Earl the Colonial Secretary was the right one. In the course of time, it was found the system of maintaining a Resident in Perak would not work, it would be better for us to re-consider our position.

LORD BLACHFORD said, that he expressed his views reluctantly as they differed widely from those entertained by higher authorities. It was true when a State fell into a condition which was a source of danger to the neighbouring States, as had happened in the case of Laroot, those neighbours had a right to call upon the Ruler to place the territory in a position that should not be dangerous, and if he failed to do that they had a right to take measures for their own safety, even although those measures might amount to the annexation of the misgoverned territory. But that reason did not apply to the Governors of Perak and Salangore, the practical annexation of which (for in these Provinces the advice of the Residents was only to be asked, but “acted on,”) was no such justification, and was therefore, in his opinion, improper. He detected the energy of English merchants and the public spirit of colonial officers, but that energy and public spirit it was apt in the British Colonies to see as a commercial and official pressure for annexation of neighbouring territories.

It was to that pressure, and to the identical expectations which had proved equally fallacious, that the Treaty of Singapore was due. That Treaty was, in his view, a false step, which, as far as Perak and Salangore were concerned, he would wish to see retraced. He feared the desire to hold a consistent course would lead to what was called “throwing good money after bad.” According to the plan of his noble Friend, the Rajah of Perak, instructed by a Resident, added by a Council, and removable if failed to do as he was bid, appeared almost much like the Governor of a Crown Colony. In his own judgment the British Government should be represented in these States, if at all, not by a Resident whose so-called advice had been enforced by British power, but by

an officer in the nature of a Consul, who, if his counsels were not followed, could be withdrawn without discredit.

LORD STANLEY OF ALDERLEY, in reply, said: I will not take up your Lordships' time by replying to some of the rhetorical artifices of my noble Friend. It is, perhaps, too much to expect that the noble Earl should admit that he has not given his attention to these affairs; the noble Earl has said that he was now giving them all his attention, and that he would do so in the future, and therefore it will be more graceful for me, with the permission of the House, to withdraw the Motion.

Motion (by leave of the House) withdrawn.

#### WILD FOWL PRESERVATION BILL.

(The Lord Henniker.)

(NO. 134.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD HENNIKER, in moving that the Bill be now read a second time, said, it was a Bill to prevent the present rapid decrease of wild fowl in this country. There were two causes of decrease, one indirect—namely, the increase of drainage and the reclamation of waste lands. This, of course, could not be dealt with; but the other, the direct cause, could be dealt with—namely, the shooting and destroying these birds during the breeding season. These birds had been included in the Small Birds Protection Act of 1872; but that Act had been spoilt, as far as these birds were concerned, in Committee in the House of Commons, for the penalties had been made so low to meet the case of the small birds, that the value of these birds themselves was greater than the penalty imposed. This Bill had been approved by the House of Commons this Session by a majority of 339 to 15, and it was drawn on the lines of the Sea Bird Preservation Act, 1869, which had worked very well, and led to a very satisfactory result. He might add, that the Committee of the British Association, on the close time for these and other birds, had gone very carefully into the list of birds included in the Bill.

Motion agreed to; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Monday next.

**TURKEY—MURDER OF THE CONSULS  
AT SALONICA.—QUESTIONS.**

EARL DE LA WARR asked the Secretary of State for Foreign Affairs, Whether there is any objection to laying upon the Table of the House the Papers and Correspondence relative to the late outrage at Salonica and the trial and execution of the persons implicated in the murders?

EARL GRANVILLE: Before the noble Earl answers that Question I wish to put to him another of a larger nature which I understand he will have no objection to answer. I wish to ask him whether, on account of the change in the state of affairs in the East, the noble Earl can state when it will be possible to lay upon the Table the Papers which will give information to Parliament with regard to the course which has up to this time been pursued by Her Majesty's Government in the Eastern Question?

THE EARL OF DERBY: My Lords, considering that all efforts in favour of pacification have unfortunately failed, and that war has broken out between Servia and Montenegro on the one hand and Turkey on the other, there is no diplomatic reason why the Correspondence showing the general course of events and the policy pursued by Her Majesty's Government should not be laid upon the Table. The Correspondence, I may mention, is somewhat voluminous, and, as a great deal of the information which it contains has been confidentially communicated by foreign States, we shall have to consult those States as to whether they are willing to consent to the publication of it. That may cause some delay, but we shall lose as little time as possible in obtaining their consent. So far as the policy of Her Majesty's Government is concerned, I am perfectly ready to lay these Papers before your Lordships. With respect to the Question of the noble Earl (Earl De La Warr), I think it would be better to include the Papers relating to it in the general Correspondence.

**ARMY—PAYMASTERS IN THE MILITIA.  
QUESTION.**

THE EARL OF SANDWICH asked the Under Secretary for War, What allowances will be given to an officer of

Militia called up to undertake the duties of an Adjutant and Paymaster while that office was vacant? The noble Earl complained that he could obtain no allowance for the gentleman whom, under the circumstances stated in the Question, he had some short time since appointed to discharge the duties of paymaster of his regiment.

VISCOUNT ENFIELD said, that about two years ago a like circumstance had happened in his own regiment. He thought a commanding officer should be simply bound to train his men, and not also to act, as he was now required to do in certain cases, as Paymaster.

EARL CADOGAN regretted that his noble Friend should have to complain of the War Office, but the Regulations relating to his Question were that during the interval of retirement of an adjutant and the appointment of his successor the quartermaster acted as adjutant under the responsibility of an officer in command, and received 5s. a-day extra pay; but in case of regiments which had no quartermaster, the rule was to require the officer in command to act as paymaster, but no pay was attached. The injustice had been felt, and it was under contemplation to make a rule that the paymasters of the Brigade Depôts should also act as paymasters of Militia regiments.

**SLAVE TRADE BILL.—(No. 135.)**

*(The Marquess of Salisbury.)*

**COMMITTEE.**

House in Committee (according to Order).

LORD STANLEY OF ALDERLEY moved an Amendment on Clause 1, the object of which was to make the subjects of Native States residing under British protection at Zanzibar and Muscat and violating the laws relating to the Slave Trade, punishable by British Courts of Law in India only upon the consent of the Native State whose subjects the offenders might be, and without which there could be no right of jurisdiction. The protection given by the British Government out of India to the subjects of the Native States, was a consequence of having precluded them by Treaties from entering into diplomatic relations with other Powers; but this protection did not confer a right of

tion, and punishment was not a tive of protection. As the Rao of had expressed his willingness to the proposed jurisdiction, and as ere very few other Rulers whose s were concerned, there could be culty in obtaining these consents, refuse to do so would be to be ry for arbitrariness' sake.

ndment *moved*, to leave out third aph of Preamble, and in Clause 1, , after ("Majesty") insert ("and onsent of such Prince or State to jurisdiction under this Act shall een obtained and laid before each of Parliament.") — (*The Lord of Alderley.*)

EARL OF NORTHBROOK said, endment of his noble Friend was upon an entire misconception of affairs. He cordially concurred e objects of the Bill, but thought oth this Bill and some others efore Parliament would be more storily dealt with if they had been isly referred to the Government a. While he had no doubt the s of India would willingly join overnment of India in putting he slave trade, it would be able to allow such matters to upon their consent, as proposed y noble Lord (Lord Stanley of y).

MARQUESS OF SALISBURY said, th reference to the question raised noble Earl (the Earl of North- of submitting questions of policy Indian Government, he did not r that was essential in all cases. se, there were cases in which such ces were made; but there was no ation with the Government of efore the great Act which re-conl the Government of India was

In fact, each case must depend s own merits. In this particular f a reference was to be made, he prefer the Government of Bom- hich was more likely to possess e information on it than the Go- nt of India. He did not, how- ish noble Lords opposite to have pression that this Bill had been t in without the opinion of Indian ties being taken. All he said the ight was that he had no official pondence on the subject to lay on ble. Indian information was not

necessarily confined to India, for there were Peers in that House who knew as much of the circumstances, and particu- larly of the law involved in the case, as any one could know. With respect to the main portion of the Bill—that which related to the slave trade generally—he saw a noble Lord opposite who could tell them more than any one in India. The Government had had recourse to the best authorities as to what would be the most suitable provisions.

VISCOUNT HALIFAX asked what Act the noble Marquess referred to? When he passed the India Council Act, there was the fullest previous consultation with the authorities in India.

THE MARQUESS OF SALISBURY said, he referred to the Act of 1858.

VISCOUNT HALIFAX said, that was not in his time. He was sorry to see every obstacle thrown in the way of such mutual consultation. Surely those on the spot might be expected to know more about the subject than the Home Government, or the Law Officers of the Crown.

THE LORD CHANCELLOR said, the Bill took the law of India as it stood, and was, in fact, intended to remedy an oversight in a former Act.

EARL GRANVILLE said, if it were a mere explanatory Act no more need be said; but the explanation now placed upon it by the noble and learned Lord was very different from that given by the noble Marquess in introducing it; but his noble Friend (the Earl of North- brook) had pointed out the desirability that not only this Bill, but some others should, as there was no necessity for immediate legislation, be deferred until the House had further information.

After a few words from Lord LAW- RENCE in favour of delay,

THE MARQUESS OF SALISBURY re- plied that, of course, if Parliament wished for further information, the Bill could be postponed, but delay would be exceedingly inconvenient, and put off a measure which was much wanted. At the present moment there might arise cases which the Courts, for want of such a Bill, would have to decide the wrong way.

Amendment (by leave of the Com- mittee) *withdrawn*.

Bill *reported*, without Amendment; and to be read 3<sup>d</sup> *To-morrow*.

SAINT VINCENT, TOBAGO, AND GRENADA  
CONSTITUTION BILL [H.L.]

A Bill to make provision for the Government of the Islands of Saint Vincent, Tobago, and Grenada, and their Dependencies—Was presented by The Earl of CARMARVON; read 1<sup>a</sup>. (No. 166.)

House adjourned at Eight o'clock,  
till to-morrow, half past  
Ten o'clock.

HOUSE OF COMMONS,

Monday, 3rd July, 1876.

MINUTES.]—NEW WRIT ISSUED—For Leitrim County, v. Major William Richard Ormsby Gore, now Baron Harlech, called up to the House of Peers.

SUPPLY—considered in Committee—CIVIL SERVICES—Resolution [June 30] reported.

PUBLIC BILLS—Resolution [June 30] reported—Ordered—Army Pensions Commutation\*.

Ordered—First Reading—Convict Prisons (Returns)\* [227].

First Reading—Provisional Orders (Ireland) Confirmation\* [220]; Elementary Education Provisional Order Confirmation (London)\* [221]—(Hailsham, &c.)\* [223]—(Hornsey)\* [224].

Second Reading—Prisons [180].

Committee—Medical Act Qualifications [170], debate adjourned.

Committee—Report—Customs Duties Consolidation [188]; Customs Laws Consolidation\* [164]; Elver Fishing\* [162-225]; Notices to Quit (Ireland) (re-comm.)\* [160-226].

Considered as amended—Bankers' Books Evidence\* [205].

Withdrawn—Free Libraries and Museums\* [35].

ARMY—THE AUXILIARY FORCES—  
THE YEOMANRY.—QUESTION.

VISCOUNT NEWPORT asked the Secretary of State for War, Whether there is any truth in the statement, which has appeared in some of the newspapers, that any Yeomanry regiment has declined to obey orders and attend the forthcoming manoeuvres?

MR. GATHORNE HARDY: Sir, I have been informed on inquiry that no such circumstance is known to the War Office.

CLERKS OF THE PEACE, IRELAND.

QUESTION.

SIR JOSEPH M'KENNA asked Mr. Solicitor General for Ireland, Whether the Law does not require that certain

formalities in connection with convening Courts of Quarter Sessions should be verified by the signature of the clerk of the peace; and, whether he will take such steps as may be necessary to ensure the appointment of clerks of the peace in those countries where there are vacancies at present?

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET), in reply, said, the office of Clerk of the Peace for the county of Carlow had been for some time vacant, and the *Custos rotularum* had deferred appointing to it, quite rightly he thought, having regard to the Clerk of the Peace and Crown Bill now before Parliament; but there were certain duties connected with the Civil Bill Courts which ought to be performed by the Clerk of the Peace, and the Government had represented to the *Custos* the propriety of filling the office without further delay.

ROUMANIA—THE NEW TARIFF.

QUESTION.

MR. SERJEANT SPINKS asked the Under Secretary of State for Foreign Affairs, Whether the Roumanian Government have notified to Her Majesty's Government (either directly to the Foreign Office or through Her Majesty's Ambassador at Constantinople) their intention of raising their import Duties on English goods to a very considerable extent, such increase to take effect on the 13th of July proximo; and, if so, whether Her Majesty's Government have taken or will take any steps in the matter for the protection of British Commerce?

MR. BOURKE: Sir, the Government of the United Principalities of Moldo-Wallachia have notified their intention of establishing a new tariff, which it is proposed to bring into force this month. We have communicated with various Chambers of Commerce in this country upon the subject, and are also in communication with the French and other Governments as to the course to be adopted for the protection of the interests of British subjects and those of other nations affected by the new tariff.

METROPOLITAN BOARD OF WORKS—  
RETURNS.—QUESTION.

MR. KAY-SHUTTLEWORTH asked the Chairman of the Metropolitan Board

York, When the Returns, ordered on 22nd of March 1875, of Expenditure for five years, and of the Parliamentary Expenses of the Board will be printed?

**JAMES HOGG:** In reply to the question of my hon. Friend, I have to say that the Return has entailed an enormous amount of labour on the office of the Board, but is now, I am informed, completed so far as the great majority of the Bills are concerned, and I hope that it may be presented to the House within about a fortnight.

#### FINAL LAW—CASE OF JAMES TIMONY.—QUESTION.

**MR. ANDERSON** asked the Secretary of State for the Home Department, whether attention has been called to a statement in a newspaper of the 28th inst. the trial of James Timony, a youth fifteen, before the Recorder of London and a jury on the 23rd May, and be true that the constable was the witness, and swore that the boy had volunteered to him and said "this iron belongs to James Conolly of Fleet Street, and I have stolen it because I have had a row at home and I want to go to prison;" that the jury returned a verdict of larceny but recommended the youth to mercy, and that upon the Recorder pronounced sentence of seven years' penal servitude and three years' police supervision; and whether the statement is substantially correct, and whether he will take the steps necessary to set aside the sentence?

**MICHAEL HICKS-BEACH:** I hope the hon. Gentleman opposite (Mr. Anderson) will excuse me if I answer his Question, as it falls more in my province than that of my right hon. Friend. My attention has been drawn by the Question of the hon. Member to an article in *The London Standard* on this subject. That is a serious periodical published in London, in which, I think, can hardly be expected to give the most accurate statement of matters in Ireland. The statements contained in that article of James Timony's case are both inaccurate and incomplete. His age is 19, not 17; he did not come voluntarily to the constable, but the constable stopped him, and put him with the bar of iron, and gagged him. The constable was

not the only witness; the prisoner was indicted for the larceny as well as for previous convictions, and the jury who found him guilty of the larceny recommended him to mercy in ignorance of his previous convictions. Though so young he had been convicted no less than seven times before, and it appears from the report of the Governor of the Antrim Gaol that among these convictions was one for attempted housebreaking and another for uttering base coin. I may add—though, of course, it does not directly bear on the Recorder's sentence—that Timony's conduct in gaol is reported as very bad; and that as to his family, his brother is a convict now undergoing sentence, and his sister often in gaol, being there at the present moment. I do not think it is a case which requires the interference of the Government.

#### PARLIAMENT—PRIVILEGE—LORDS LIEUTENANT.—QUESTION.

**COLONEL NAGHTEN** asked Mr. Attorney General, Whether it is a constitutional proceeding on the part of a Lord Lieutenant to canvass the Electors in the interests of one of the Candidates at an Election for the county of which he is Lord Lieutenant; and, whether such conduct is not an infringement of the privileges of this House?

**THE ATTORNEY GENERAL:** Sir, there is a Resolution of the House which relates to the Question of the hon. and gallant Member. I will read that part of it which bears on this matter. It runs thus—

"That it is a high infringement of the liberties and privileges of the Commons of the United Kingdom for (*inter alios*) any Lord Lieutenant or Governor of any county to avail himself of any authority derived from his commission to influence the election of any member to serve for the Commons in Parliament."

If, therefore, a Lord Lieutenant avails himself of the authority derived from his commission to influence an election, he is guilty of an unconstitutional act and a breach of Privilege of the House of Commons. I cannot say, however, a Lord Lieutenant, by merely canvassing at an election, would be doing that which is unconstitutional or be infringing the Privileges of the House, for I must remind the hon. and gallant Member that there are several Lords



Lieutenant who are Members of the House. They have doubtless canvassed at their own elections, but I have never heard that it was considered that by doing so they had committed a breach of Privilege.

HYDE PARK—THE SERPENTINE—  
BATHING.—QUESTION.

MR. SOTHERON-ESTCOURT asked the First Commissioner of Works, Whether he is aware that great annoyance and danger is caused to riders in Rotten Row by the disorderly conduct of persons on their way to the bathing place in the Serpentine; and, whether he will be good enough to take measures, by increasing the number of police on duty there, or otherwise, to put a stop to it?

LORD HENRY LENNOX, in reply, said, that until his hon. Friend had put down his Question his attention had not this year been called to the great annoyance and danger referred to. He would, however, lose no time in calling the attention of the police to the subject, with a view to prevent the recurrence of these outrages. He might, however, perhaps, remind the House that, with a view to abate that and similar nuisances, he had caused those mounds to be raised and planted with shrubs which had been so severely criticized in the early part of the Session.

MERCHANT SHIPPING ACT, 1871—  
THE SCHOONER "LEADER."  
QUESTION.

MR. MAC IVER asked the President of the Board of Trade, If it is true that, at the instance of the Board of Trade, Mr. Septimus Howell, managing owner of the schooner "Leader," has been twice taken into custody under a warrant, with the results that the first case was dismissed by the magistrates at Runcorn, and that in the second case Mr. Howell was prosecuted for misdemeanour before Mr. Justice Brett at the last Liverpool Assizes and acquitted; and, whether the Board of Trade intend to compensate Mr. Howell for the loss and injury to his business, and the expenses to which he has been put by these prosecutions, and if it is also intended to make Mr. Howell any allowance in respect of the ignominy to which he has been subjected?

*The Attorney General*

SIR CHARLES ADDERLEY: The case of the *Leader* I have already laid before the House as signally illustrating the carefulness with which the law since 1871 has made it a misdemeanor to send an unsafe ship to sea, and the great advantage given to the owner in the way of opportunity, to exculpate himself. An official inquiry reported the *Leader* to be totally rotten, and that the owner must have known it. On this report the Board of Trade prosecuted, a warrant being legally necessary in such a case. The magistrates would not commit for trial, but refused costs, giving the defendant the benefit of some confliction of evidence. Mr. Howell continued to sail the ship, and on her arrival at Plymouth she was again reported to the Board of Trade, who thereupon ordered a survey. The surveyor reported that she was in a dangerous condition, and it became the duty of the Board of Trade to prosecute Mr. Howell a second time. Brought up on a warrant, as was legally necessary in such a case, before the magistrates of Liverpool, he was committed for trial at the Assizes, the magistrates saying that a *prima facie* case was made out against him, and that it was important. The defendant's own witness said that it would be difficult to exaggerate the rottenness of the *Leader's* timbers; but, availing himself of the statutory permission, the defendant obtained an acquittal, the Judge (Mr. Justice Brett) having put it to the jury to consider whether he had not used reasonable means for safety. The proceedings having been regularly and reasonably instituted, and the result most fortunate for the owner, there seem no grounds whatever for giving him compensation. Mr. Howell has himself admitted the absolute unseaworthiness of his ship, and has since sold her for an old hulk.

THE NATIONAL GALLERY.

QUESTION.

SIR JOHN LESLIE asked the First Commissioner of Works, considering that disappointment has been felt in consequence of the closing of the National Gallery during the months of May and June, Whether he can explain the following extracts from a letter in "The Times" by the Director of the

l Gallery, to excuse the delay in  
ing the National Collection of  
to the public:—

compulsory absence of the supreme  
urgent business in the interests of the  
Gallery;”  
problem, difficult to understand, of  
pictures, of which, when it is solved,  
y, it will be time enough to inform  
s of the result;”  
in slight obstacles, which when re-  
able him to hope that the National  
ay yet be opened before the general  
of the season?”

HENRY LENNOX: Sir, as  
I saw the Question of my hon.  
on the Orders of the House I  
icated with Mr. Burton, the  
of the National Gallery, who  
nished me with categorical An-  
the Question of my hon. Friend.  
se now to read those answers to  
ise—

he Director's letter was not written to  
lay in the re-opening of the National  
as no avoidable delay was occurring,  
plain some statements in an article of  
s of the 3rd of June, as was distinctly  
the letter; 2. It is one of the duties of  
stor of the National Gallery to go abroad  
t pictures which he has reason to be-  
ald be eligible for the Gallery, and are  
and it was on such an unavoidable  
e was called away towards the end of  
; 3. It may be easily conceived that  
sm of arranging on given spaces up-  
700 pictures of the highest excellence,  
nasters of distinction, in such a manner  
justice to all, to properly fill the spaces,  
duce a satisfactory architectonic effect,  
hat requires thought, experiment, and  
l cannot be executed lightly; 4. The  
to the successful and immediate prose-  
the work of placing the pictures was  
e of sunshine from parts of the glass  
his impediment has been brought under  
ce of the Board of Works, and is now  
moved, and no delay whatever has oc-  
the hanging.”

JOHN LESLIE thereupon gave  
that as soon as the Business of  
use would permit he would move  
ution—

h, in the opinion of this House, it is not  
that the National Collection of Pictures  
be closed during the months of May,  
d July.”

OPOLIS—HYDE PARK CORNER.

QUESTION.

CAWLEY asked the First Com-  
er of Works, Whether he has  
ad any statistics showing the num-

ber of vehicles passing along Piccadilly  
eastwards and westwards at Hyde Park  
Corner; the number passing to and  
from Grosvenor Place; the number pass-  
ing to and from Hyde Park from Pica-  
dilly and from Grosvenor Place during  
particular hours of the day; and, if he  
has, whether he will lay such informa-  
tion upon the Table of the House, prior  
to the discussion on the plan to be pro-  
posed for relieving the blocks to the  
traffic which now occur?

LORD HENRY LENNOX, in reply,  
said, he had not in the Office any formal  
statistics such as those alluded to in the  
Question, but he had been in communi-  
cation with the Commissioners of Police,  
who had agreed to furnish them. He  
could promise his hon. Friend that they  
should be in the hands of Members be-  
fore the Vote for the new road across  
the Green Park came on for discussion.

#### THE BRITISH MUSEUM—SALARIES. QUESTION.

SIR H. DRUMMOND WOLFF asked  
Mr. Chancellor of the Exchequer, Whe-  
ther considering the Second Report of  
the Civil Service Inquiry Commission,  
Her Majesty's Government propose to  
increase the salaries of the Heads of  
Departments in the British Museum;  
and, whether they have received any  
recommendation from the trustees in  
regard thereto; and, if so, whether any  
and what answer has been returned by  
the Treasury?

THE CHANCELLOR OF THE EXCHE-  
QUER: Sir, the Treasury have received  
a request from the Trustees of the  
British Museum to inquire into the posi-  
tion of the officers of that Department,  
with a view to a revision both of their  
salaries and of their duties. All I can  
say on the subject at present is that the  
recommendations will be considered, and  
that we hope to be able to make a satis-  
factory explanation before the next Esti-  
mates are prepared.

#### INLAND REVENUE DEPARTMENT— THE TREASURY MINUTE.

EXPLANATION.

THE CHANCELLOR OF THE EXCHE-  
QUER: I wish to take this opportunity  
of referring to something which passed  
last week on a Question put to me by  
the hon. Member for Gloucester (Mr.

be the reason of a mistake made in a hasty speech."

To this letter I received the following reply:—

"Whitehall, June 28, 1876.

"Sir,—I am in the receipt of your letter of yesterday's date, and in reply beg leave to say that, prior to the discussion which ended in the rejection on second reading of the Metropolitan Railway Bill, I did receive a circular in which your name appeared, asking me to attend the House and vote in favour of the second reading of the Bill.

"This is what I said, and it is probable that you had not in your mind yesterday this circular, and that may be the reason of a mistake made in a hasty speech.

"I am, yours faithfully,

"ROBERT PEEL.

"Sir E. W. Watkin, M.P."

I pass over the impertinence — ["Order!"]—contained in this repetition of my own words in the closing sentence of the letter. ["Order!"]

MR. SPEAKER said, such an expression as had been used by the hon. Member could not be allowed in this House.

SIR EDWARD WATKIN: No one could be more ready than I to withdraw any expression to which you, Sir, should object; but when a Gentleman writes to another, repeating the last sentence of his letter, I think it can hardly be considered courteous. ["Withdraw!"] Of course, I withdraw anything I may have said that may not be in Order, and apologize. With regard to the right hon. Gentleman's charge that I had solicited his vote, I at once sent a copy of his note to the Parliamentary solicitor for the Bill, who wrote in reply that neither by himself nor by the Parliamentary agents had my name been used in any circular in reference to the second reading of this Bill. Such a circular was issued, but it was a dry statement of facts, containing no solicitation to Members, and certainly not using the name of any Member. I was further assured that that was the only statement issued; and under those circumstances I am entitled to say that the charges of the right hon. Baronet are without foundation, and to hope that, even now, late as it is, the right hon. Baronet will retract them. I beg now to ask the right hon. Baronet, Whether he is prepared to substantiate or to withdraw the statement made by him during the discussion on the second

reading of a Private Bill on Tuesday last, in reference to an alleged issue, by or in the name of a Member of this House, interested in the question involved, of a circular soliciting the right hon. Baronet's vote?

SIR ROBERT PEEL: I hope I shall be able to reply to the Question which has been proposed to me, and to the satisfaction of the House, which is all that I desire. The hon. Member has spoken of me in very harsh terms, and in language not quite Parliamentary or proper for one hon. Gentleman to address to another. I shall endeavour to reply to him in perfect good humour; but I must say that in the charge he has made it seems to me that he intends to convey to the House that I have said something that is not true, or that I have said something that is not founded on fact and which I cannot substantiate. Now, the House is aware, and I am aware, that this is not the first time that the hon. Member for Hythe has launched his accusations without any ground for them. ["Oh!" and "Order!"] I recollect that four or five years ago—["Order, order!"]—

MR. SPEAKER: The right hon. Baronet has been asked to answer a Question referring to a debate in which he made some observations reflecting on the personal character and conduct of the hon. Member for Hythe, and in answering that Question it will be desirable, according to the practice of the House, that the right hon. Baronet should confine himself to that matter.

SIR ROBERT PEEL: By your ruling, Sir, I will confine myself to that matter; but I would ask permission of the House to say that this is not the first time—["Order!"]—I recollect some years ago—["Order, order!"] This is to the point, and I am determined to say it. [Laughter, and renewed cries of "Order!"] The hon. Member accuses me of having said that which is not true, and I say this is not the first time—["Order, order!"] When Mr. Chichester Fortescue was at the Board of Trade, the hon. Member for Hythe accused me—["Order, order!"]

MR. SPEAKER: After what I have said, I trust that the right hon. Gentleman will not travel beyond the limits of Parliamentary practice in the observations which he wishes to address to the House.

*Sir Edward Watkin*

**SIR ROBERT PEELE:** Of course, Sir, I bow to your decision, and will not refer to the matter again; but I may say this, that it is not the first time—*[Laughter.]* I myself consider, as the hon. Member for Hythe has said, that this is really not a question which ought to occupy the time and attention of the House, inasmuch as I am sure that every one who heard me the other afternoon knows perfectly well what I meant, what I intended to convey, and, not only that, but what I actually did say on that occasion. The House will give me the opportunity of illustrating the remarks I have made in further replying to the challenge of the hon. Member for Hythe. He says I made three statements. I say I did nothing of the kind. I stand by the recorded statement in the newspapers, and I am in the hands of hon. Members on both sides who heard my statement, and I propose to substantiate what I then said. Now, everyone who is conversant with the proceedings of the House of Commons—and for nearly 30 years I have had a knowledge of the proceedings of this House—any one conversant with those proceedings knows, and I appeal with confidence to experienced Members, and even to you yourself, Sir, and to the Clerk at the Table, when I say that it has been the invariable practice upon Opposed Private Bills, as well as upon many Public Bills, for solicitations to be sent round. Whether the practice is a good one or not I do not say; but such notices have invariably been sent round, asking hon. Members to vote for or against particular measures; and it is perfectly obvious, therefore, that no one would take the trouble to send round a circular in support of or in opposition to any Opposed Private Bill, if it were not at the instance of those who are directly or immediately interested. There are, no doubt, many hon. Members now in the House who were not pressed on the occasion in question, and I must therefore refer to what did take place on that occasion. This is not a mere personal matter, but one of considerable importance as affecting the position of Members of this House. There was a Private Bill discussion on last Tuesday. I knew nothing about the matter, excepting what I read in the statements submitted to me from both parties, from each of whom I received a solicitation for my

support. I came down here and said what I did. From what I had heard and read, I came to the conclusion, and many thought with me, that there was a “job” connected with the matter, and it is well, Sir, that in these days such things should be exposed. What I said was, that there was a Mercantile and Credit Company (Limited) in London which proposed to go to the North of Ireland and construct six railways there. We knew from “another place”—the House of Lords—that there were nine railways already bankrupt in that part of the country, and the hon. Baronet (Sir Thomas Bateson), who moved the rejection of the Bill, said it was not necessary for the interests of the district. One of the Imperial directors said that it was, and so did another hon. Member, and finally the hon. Member for Hythe. The hon. Member for Hythe said the statement of the hon. Baronet was one from which he dissented, but he especially complained that he had asked 160 Gentlemen to come down to that House to support his views, and he added that he hoped it would be the last time he should hear of an attempt to commit a private injustice through political influence; and then he spoke of maintaining the dignity of the House. Now, I was in the House of Commons in 1862, before the hon. Member for Hythe was in it, and when he was only plain Mr. Watkin, and I know some of the antecedents of the hon. Member. I followed the hon. Member for Hythe, and I said that his virtuous indignation was misapplied, because it was not an unusual proceeding to send out these invitations, and that in his (Sir Edward Watkin’s) case, as regards the Metropolitan Extension Bill, I had received a solicitation to vote. I did not say his name was attached. [“Oh, oh!”] I said I had received a solicitation—[A VOICE: A circular?] Yes, a circular. [A VOICE: And from him?] I deny it. [“Oh, oh!”] I never said I received it from him. I said that I did not receive it directly from the hon. Member. [“Oh, oh!”] I could not say from whom I received it; but I mentioned, and I still maintain, that I did receive a solicitation for my vote in favour of the Bill. The hon. Member says he never in any case sent out a notice with reference to any Bill in which he was engaged. Now, I hold in my hand a

ther the Province of British Columbia did not, in obedience thereto, comply with the said order to the satisfaction of the Dominion Government; and whether the land so placed at the disposal of the Dominion has not remained so up to the present time; whether the Dominion Government did not in 1875 cause surveys to be made of a considerable portion of the Esquimault Nananimo section of the Railway, and, having purchased in England a quantity of steel rails, cause them to be shipped for and delivered in Vancouver's Island for the purposes of that section of the Railway; whether the Dominion Government have not lately publicly announced that they have abandoned their intention of making the Esquimault Nananimo portion of the Railway; whether any intimation has been received by Her Majesty's Government from the Legislature or Government of British Columbia expressing a desire to secede from the Dominion of Canada; and what reply, if any, has been given thereto; and, whether Her Majesty's Government will lay upon the Table of the House any Correspondence between Her Majesty's Government and the Government of the Dominion of Canada and the Government of British Columbia since 1st January 1875 on this subject?

MR. J. LOWTHER: I am afraid, Sir, it would be quite impossible within the ordinary limits of an Answer to a Question to afford an adequate explanation to the House of the circumstances of this case, which are attended with considerable difficulty, while a simple answer to the hon. Gentleman's series of Questions would give an altogether incorrect impression of the matter. I will therefore confine myself to stating that it has been arranged that Lord Dufferin shall shortly visit the Province, and until the result of his visit is known, it would be very inexpedient to enter into any discussion of the points raised in these Questions. There is, however, one of the hon. Gentleman's Questions—the fifth, I think, it is in the category—to which it is advisable that I should at once give a direct reply—namely, the Question—

"Whether any intimation has been received by Her Majesty's Government from the Legislature or Government of British Columbia expressing a desire to secede from the Dominion of Canada; and what reply, if any, has been given thereto?"

*Mr. Alderman M'Arthur*

I am happy to say that no such intimation has ever been received by Her Majesty's Government.

#### PUBLIC WORKS LOAN COMMISSIONERS—ROAD TRUSTS (SCOTLAND).

##### QUESTION.

MR. ELLICE said, he had a Question to put which he had given Notice for last week, but circumstances had then induced him to postpone it. His right hon. Friend the Chancellor of the Exchequer had consented to answer it on the present occasion. He must be allowed to say, in explanation of the Question, that an Act of Parliament had been passed last year similar to another Act previously passed for England, authorizing the Public Works Loan Commissioners to grant loans in Scotland for sanitary purposes at a reduced rate of interest. In order to put Scotland in point of time on a perfect equality with England, the Act gave a retrospective power. It permitted a reduced rate of interest on loans granted subsequently to the passing of the English Act. Applications in consequence were made to the Public Works Loan Commissioners, and the Question he now wished to put was with reference to the statement by the Public Works Loan Commissioners, in reply to applications, that it is not their practice, without the consent of the Treasury, to vary the terms upon which their loans have been advanced; and, Whether it is the intention of the Treasury to consider applications with the view of authorizing the Public Works Loan Commissioners, if they see fit, to exercise the powers so conferred upon them by the Act of Parliament?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he doubted whether the hon. Gentleman was quite aware of the peculiarities of the position in consequence of the passing of the Act last Session to take away from the Treasury, as far as they could, the power they previously had of reducing by their own authority the terms on which loans might be made by the Public Works Loan Commissioners. They desired to divest the Treasury of that power, and he believed they had done so. The answer of the Public Works Loan Commissioners referred to the practice under the previously existing state of things up to April last; but the Treasury was in communication with the Public Works

Loan Commissioners on the subject of advances to Scotland, and he hoped they would arrive at a satisfactory conclusion.

**TURKEY—THE REVOLTED PROVINCES  
—REPORTED OUTBREAK OF HOSTILITIES.—QUESTION.**

**THE MARQUESS OF HARTINGTON :** With the permission of the right hon. Gentleman the First Lord of the Treasury, I wish to ask him, Whether the Government have received any intelligence respecting the reported outbreak of hostilities between Turkey and Servia, the Herzegovina and Montenegro; and, if the report be well founded, whether he does not think the time has arrived when the Papers relating to the recent negotiations on this subject may be presented to the House?

**MR. DISRAELI :** Mr. Speaker, Sir, Her Majesty's Government received intelligence yesterday, late in the afternoon, from the Queen's Ambassador at Constantinople, that the Servians had crossed the frontier with 30 guns; and about the same time they received news from Her Majesty's Consul at Ragusa, that he had heard that the Prince of Montenegro had declared war and left Cetigne, and placed himself at the head of his troops. But we have not received to-day any direct information from what I am afraid may be called the seat of war. That is the last and most authentic news in our possession. With regard to the Question of the noble Lord respecting Papers, unquestionably it must be felt by, and certainly it is felt by, Her Majesty's Government, that, the negotiations between the Porte and its subjects and vassals having terminated, the time has arrived when the Papers should be presented to the House; and every effort will be made to place them on the Table as soon as possible. At the same time, the House will kindly remember that the Papers are voluminous, and there are some among them which cannot be printed without consulting Foreign Powers.

**TURKEY—THE EASTERN QUESTION.  
OBSERVATIONS.**

**MR. E. JENKINS :** I beg, Sir, to give Notice of a Question which I intend to bring on to-morrow at any time of

the day or night that I may obtain an opportunity of doing so. As the matter is one of transcendent importance, and as the Leaders of this House have not thought proper to take any immediate action in regard to it, I ask the indulgence of the House while I make a brief statement, and to put myself in Order I will move the Adjournment of the House.

**MR. SPEAKER** intimated that the hon. Member could not enter upon any debate upon giving Notice of a Question.

**MR. E. JENKINS :** I shall conclude with a Motion.

**MR. J. R. YORKE** rose to Order and submitted that the hon. Member could not make a speech upon giving Notice of a Motion.

**MR. SPEAKER :** I must hear what the hon. Member has to say before I can decide whether he is out of Order or not.

**MR. E. JENKINS :** The news that has been received in this country within the last few hours has created everywhere the greatest anxiety, and I believe I am not incorrect in stating that the anxiety in the country outside is very great indeed as to the course likely to be pursued by Her Majesty's Government with relation to the affairs of Turkey. I also believe I express the feeling of hon. Members on both sides of the House when I say that whatever our opinions may be as to the policy pursued by Her Majesty's Government, we feel that matters are so serious, and have arrived at such a crisis, that we are entitled to ask the Government for some further and more real explanation than has been promised to us this afternoon. I have carefully followed the course of affairs, and up to this present moment, so far as I am able to judge from the information that has been received by the papers, I am prepared to say that I think that the Government have pursued a course that I could support. [*Murmurs.*] That, perhaps, is the greater reason why I shall now be allowed to say—

**MR. CALLAN** rose to Order. He wished to know whether it was not an evasion of the Rules of the House to get up a discussion upon such an important question, and make a statement without Notice?

**MR. SPEAKER :** The hon. Member says that he intends to conclude with a Motion, and I cannot say that he is out

of Order, though the course which he proposes to pursue, no doubt, is highly inconvenient. The hon. Member stated that he proposes to give Notice of a Question for to-morrow, as I understood, and he cannot at the same time do that, and move the Adjournment of the House.

MR. E. JENKINS: I propose, Sir, to follow the course that you have indicated and to keep strictly within the rules of Order, but I appeal to the House, for I believe it will, upon consideration of the facts, come to the conclusion that we are at this moment placed in one of the most tremendous crises that has occurred in Europe during this century. Is it improper then for an independent Member to ask leave, in such circumstances, to make a brief statement? I think I shall be able at the proper time to show that the grounds on which I am acting are not altogether insufficient, but the only thing to which I wish to allude at this moment is this. The correspondence that has been sent to the public Press this morning contains a statement of the utmost importance. The news comes from Vienna—

LORD FRANCIS HERVEY: I rise to Order. The hon. Member commenced by giving a Notice of Motion which he has not yet withdrawn, and I appeal to you, Sir, whether he is entitled to raise a discussion of this kind in this irregular way.

MR. E. JENKINS: I am sure the noble Lord is aware I am pursuing a course that is strictly in Order. I am not now going to give Notice of my Question. ["Move now!"] I have stated that I will conclude with a Motion, and I would not ask the House to listen to me if I did not feel that I was acting under a deep sense of responsibility. It is stated in the public Press this morning that Her Majesty's Government were at this moment in direct negotiations with Russia with reference to the action to be taken with regard to the affairs of Turkey; and that two alternative propositions had been submitted. It is stated that—

"Already last year Russia favoured the idea of giving an autonomy to these Provinces similar to that enjoyed by Servia and Roumania, and in the negotiations which have been going on of late with England this idea which had been abandoned has been revived by Russia. There seems to be no objection to the idea of such autonomy on the part of the British Go-

vernment. On the contrary, it was accepted conditionally as an eventual mode of solution. As before, so now, the view of the British Government is that the Turks ought to be allowed time and full freedom to carry out the pacification, if need be, by armed force, and only, if they should not succeed in mastering the insurrection with all its possible ramifications, then the Powers should step in and propose an arrangement on the basis of giving autonomy to these Provinces."

The course Her Majesty's Government appeared to favour was that the Turks ought to be allowed to carry out their policy, if need be, by armed force. Now, I wish to draw the attention of the House to the fact that whereas we have from Her Majesty's Government no authoritative statement of the course which they are pursuing at this moment, it appears to be known in Vienna and is authoritatively stated in the Press of this country. I therefore feel justified in calling attention to the fact and in asking Her Majesty's Government if they are prepared to give us fuller and further information. With the permission of the House I will withdraw the Motion for Adjournment.

MR. SPEAKER: I informed the hon. Member that he was quite irregular in what he was doing unless he concluded with a Motion, and he said he would do so, but now he informs the House that he does not propose to make that Motion. ["Move!"]

MR. E. JENKINS: If in consequence of my unacquaintance with the Rules of the House I have inadvertently, in my desire to save time, committed an error, I hope that both sides of the House will forgive me. ["Move, move!"] I move that this House do now adjourn.

MR. BIGGAR seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—  
(*Mr. Edward Jenkins.*)

MR. DISRAELI: Sir, in answer to the noble Lord opposite (the Marquess of Hartington) I promised the House cheerfully, on the part of the Government, that the proper time having now arrived—namely, the conclusion of these negotiations, which both sides of the House agreed it was but fair that the Sultan should have a fair chance of carrying out—the Government would lay the Papers upon the Table of the House, and they are now prepared to do so with the utmost promptitude possible. When

*Mr. Speaker*

these Papers are laid before the House and read dispassionately, I have no doubt the House will come to a wise conclusion upon them; but, on the part of Her Majesty's Government, and for the general interests of the country, I must express a hope that the opinion of the House will be formed upon the authentic documents which, upon the responsibility of the Government, are placed upon the Table of the House and submitted to the consideration of hon. Members, and not upon anonymous articles in the papers from the pens of "Our own Correspondents," who are now sprinkled over all the capitals of Europe. I could not collect, on account of the murmur in the House, exactly what the statement was which the hon. Member read, but I heard some opinions imputed to the Government as their matured policy, and I heard them for the first time. Part of what I did hear appeared to be too ridiculous for belief, though it may have been founded on the gossip which is always circulating wherever diplomatic proceedings are being carried on. I put it to the House that there is no wish on the part of the Government to conceal anything from the House, except what they believe it is for the public interest that reserve should be maintained. We have arrived at a period in these transactions when, with scarcely an exception, we can place before the House the Papers that have been exchanged between the different Courts. Having before it the authentic documents, for which the Government is responsible, the House will be in a position to form an opinion, and all I ask the House is that they will form their opinions from such documents offered on such responsibility, and not from anonymous articles in the newspapers.

MR. JOHN BRIGHT said, he thought hon. Gentlemen on the other side of the House were inclined to deal hardly with the hon. Member for Dundee. They had heard from the right hon. Baronet the Member for Tamworth (Sir Robert Peel) that he had been in the House 30 years; but he (Mr. Bright) had been a Member for even a longer time, and he remembered scores of instances in which, on some emergency, hon. Members on both sides had moved the Adjournment of the House for the purpose of bringing forward a specific question. If ever there was a case in

which it might be excused, or, at least, justified, it was the occasion which now presented itself. He was not going to blame the right hon. Gentleman or his Colleagues for not having stated all that had transpired between the Powers with reference to this great question; but he thought that when, as somebody said the other night, the Session was nearly at its close—that in about a month from that time those benches would be very thinly occupied—that these Papers, which were said to be very voluminous, would not be laid upon the Table of the House for a week, or probably a fortnight—that then there would be very little time left to discuss them. He should have been very glad if the right hon. Gentleman had communicated something himself to the House. He knew all about it. He knew how great must be the anxiety in the country with regard to it, and he could, in a quarter of an hour or less, tell the House and the country probably everything they wished to know. For instance, he could tell them how it was that, having agreed to the Andrassy Note, the Government thought it necessary not to agree to the Berlin Note. He made no charge against the Government, neither did he blame them; it might be they had done right; he hoped it would prove to be so. Still, it would have been a satisfaction to the House and the country to know what there was in the Berlin Note that was so far from the Andrassy Note that the Government were able to consent to the one and were not able to concur in the other. It would, moreover, have been a satisfaction to have known, as the Government were not willing to agree with the other Powers in the Berlin Note, that they had some other—it might be some wise and better—policy which they offered to the Powers in substitution for that with which they could not agree. He was sure the House and the country would be very glad to know this, and nobody would be more glad than he to know that the Government behaved with such wisdom as one hoped from them in so grave a crisis. Every hon. Member on both sides was anxious that the Government should do that on that great question which was consistent with the honour of the country and the desire for peace; but when we looked back at what oc-



curred in 1854, when the Government, according to one of its chief officers, drifted gradually and—he was afraid to use the word which rose to his lips—discreditably into a sanguinary struggle, we could not help but have our fears, and he at any rate felt, as one of the great Council of the nation, that they had a right to be taken into consultation and to consider the matter. They had a right also to have an opinion, and to express it, before the country was irrevocably committed to a policy which they might find it necessary to condemn. As to that, he would only say that if the policy of the Government was that of maintaining the integrity of the Ottoman Empire at the sacrifice of British treasure and British blood, he believed, after the experience of 20 years ago, that no considerable portion of the people of the United Kingdom would be found to support the Government in that policy. Further, if the policy of the Government were to give its countenance, even its moral support, to the Turk, in opposition to the struggles and efforts that were being made by some of the subjects of the Porte to free themselves from its dominion, the people of this country would not support the Government. So far as they were neutral in the struggle, so far as they agreed to leave to itself that great contest, which was inevitable, and must be determined by the forces on the spot, then, he thought, in all probability the great bulk of public opinion in this country would support them. He did not wish to enter into any discussion of the subject, nor to offer any policy of his own, except so far as he had expressed his opinion; but he besought the Government not to pursue a policy that might lead them into all kinds of complexity, such as the Government of 1854 waded into, and then find there was no way out but by a war, which, in his opinion, was unjust in its beginning, disastrous in its course, and ignominious in its conclusion.

SIR H. DRUMMOND WOLFF said, he thought that, under the present circumstances, it would be most disastrous if a discussion on the subject were to take place before the House had had an opportunity of reading the Correspondence which had taken place between Her Majesty's Government and the Powers. The present position with

regard to the East was in strict analogy with what occurred in 1853. Then discussions took place on the mere *ex parte* statements of Ministers, and which did not give correct views of the situation. At the end of that Session, a few minutes before the Prorogation, a Question was put by Mr. Monckton Milnes to Lord Palmerston, who expressed his opinion that things would end peaceably, and on that account Papers were not laid upon the Table. It would be dangerous if a similar course were adopted on the present occasion. There was some similarity between the circumstances then and the present crisis. The Crimean War began on the question of Montenegro; the present complications begun on the question of Servia. The British Fleet was then in Besika Bay; the British Fleet was now in Besika Bay. Instead of the Russians having crossed the Pruth, the Servians had crossed the Drina. He believed the majority of the people of this country, considering that the Government had won a diplomatic triumph, fully ratified the course taken by them. [Hon. MEMBERS: What course?] The Government had sent the fleet to Besika Bay. [Laughter.] Hon. Members laughed; but they did not recollect the circumstances that preceded the Crimean War, or they must know that it was now admitted by all Russian diplomatists that if the Fleet had been sent to Besika Bay when Colonel Rose sent for it, the Crimean War would not have taken place. He trusted the right hon. Gentleman would not be hurried into a premature discussion on this subject, but that he would produce the Papers as early as possible.

MR. FAWCETT said, the hon. Member who had just sat down was somewhat inconsistent. He deprecated discussion, and then expressed his opinion that the majority of the House would approve the policy of the Government. Now what they wanted to know was, what was the policy of the Government? At present they did not know what it was, and the impression was beginning to spread on these benches, and through them it would be communicated to the country, that the time had come when they ought to know something more of the policy of the Government at that great juncture than they did at that moment. No doubt, as the Prime Minister had said, it would be far better

*Mr. John Bright*

that the discussion should be taken when they had the Papers before them, and he was not going to say a syllable about the policy of the Government; but he wished to point out that the question was not simply whether they should have a discussion when the Papers were laid upon the Table, but whether they had any guarantee whatever that the country would not have glided into grave complications before the Papers were laid before the House, and before the House could express its opinions on the policy of the Government. The right hon. Gentleman had used some expressions which would cause uneasiness throughout the country to-morrow. He had said that "the Papers were very voluminous, but before he laid them on the Table foreign Powers must be consulted." Before this Government had embarked upon a grave policy of which the country might disapprove, something more must be done besides consulting foreign Powers. The House of Commons must be consulted; and he thought the right hon. Gentleman should give the House and the country an assurance that voluminous as these Papers were, and whether foreign Powers did or did not place obstacles in the way of their production, before the week had elapsed there would be no further delay, and an opportunity would be given the House of expressing its opinion on the subject. He believed it was the wish of the people of this country that no more English blood should be spilt and English treasure spent in maintaining the integrity of an Empire which he believed could not be permanently maintained, and that England ought not to be compromised by pursuing a policy which he believed would bring upon her disgrace and trouble, and her power ought not to be used against those who were trying to emancipate themselves from a galling and an unendurable thralldom.

MR. PERCY WYNNDHAM said, he wished to draw a contrast between the conduct they had seen that evening and the course which was pursued by the present Government when they were in Opposition a few years ago. The right hon. Gentlemen opposite were then conducting negotiations with America which led to the Washington Treaty—negotiations viewed with the greatest distrust

and dislike by hon. Members on his side of the House. Yet throughout the whole time that those negotiations were going on, the greatest influence was used, and used successfully, to maintain silence on the question until the Government of the day carried their policy to a completion. What had they seen that evening? The Government, no doubt, conducting negotiations of the greatest difficulty and delicacy; and yet the hon. Member for Dundee committed a breach of the Rules of the House by moving its Adjournment after giving a definite Notice of what they were to be asked to discuss.

MR. E. JENKINS rose to order. He had carefully abstained from giving the Notice.

MR. PERCY WYNNDHAM said, the hon. Member began by giving Notice. The Government was carrying on delicate negotiations. ["No, no!"] Anyhow, he only wished to draw attention to the contrast between the conduct of the two Oppositions, for now, when the hon. Member took the course he had adopted that evening, he was backed up by a right hon. Gentleman on the front bench. The Government had recently gained a diplomatic triumph, and it had secured for this country a feeling abroad to which it had been a stranger for 40 years, that they had a Ministry who were capable of upholding the dignity and honour of the nation.

DR. KENEALY thought the discussion was very inconvenient. It was brought before the House without Notice and without the sanction of the Leaders of the Opposition, who seemed to be Leaders without united followers. He sympathized with the right hon. Gentleman the Member for Birmingham (Mr. Bright) in the hope that the Government would not lead the country into a Russian war as the Whig Government did in 1854. The country was not prepared to repeat the folly committed on that occasion. He knew a little about the East. He had no sympathy with what was called the religious question in the East. He believed the Christians of the East were about the worst specimens of humanity extant. He had, however, great sympathy with the feelings of the people of this country, and he believed their feelings were that such an anachronism as the Turkish

Power in Europe ought not any longer to be supported by British blood and treasure. Turkey must fall, let the right hon. Gentleman opposite do what he pleased. It might be supposed that Ministers were able to read the signs of the times, and the right hon. Gentleman must see that it was impossible to maintain Turkey in Europe. He agreed with the right hon. Member for Birmingham that the discussion of this question should not be postponed till the end of the Session, and he hoped an early opportunity would be afforded the House of considering it. At the same time, he was sorry to hear what the Prime Minister had said upon the question, for it was new to him, and he believed new to the country, that a Minister of England would not lay upon the Table of the House of Commons diplomatic documents of the greatest importance without first asking the sanction of foreign Powers. That was not an English or a great policy, though it might be a convenient policy, and he hoped the right hon. Gentleman would lay the Papers on the Table regardless of what other Powers might think, consulting only the honour and interest of England in the matter.

THE MARQUESS OF HARTINGTON: I only rise, Sir, to say a few words, and I do not propose to detain the House more than a minute or two. There is undoubtedly considerable inconvenience in a discussion of this sort, brought forward without Notice and without materials on which a judgment can be formed. I wish, therefore, to express a hope—of course it would be presumptuous to express more than a hope—that the debate may not be carried very much further. But, Sir, although there is some inconvenience in the course that has been taken, it may not have been taken altogether without advantage. I do not suppose that the Government have ever at any time been under the delusion that the country was not watching the course of events in the East with the utmost anxiety, or that they were prepared to accept with a blind confidence the policy of the Government until they had larger opportunities than they have had of forming an opinion of what that policy has been. But this short discussion, even if it proceeds no further than it has hitherto done, will have removed all possible misconception on these points,

*Dr. Kenealy*

and will have shown—will have convinced the Government that there is a strong feeling in this House—but not stronger, I am sure, than that which it represents out-of-doors—a strong feeling of the deepest anxiety on this subject and the utmost eagerness to have an opportunity, as soon as possible, of knowing what that policy has been. Without incurring the strictures of the hon. Gentleman the Member for West Cumberland, which, I think, have been hardly deserved, I may appeal to Members of the Government themselves whether they have suffered the slightest embarrassment in these negotiations from hon. Members sitting on this side of the House. It may be true—I do not know whether it is strictly true—that during the course of the American negotiations no formal discussion was ever initiated on the Opposition Benches; but my recollection deceives me very much if the Government of that day was not put repeatedly and very minutely to the question upon points arising in the course of those negotiations. And I believe that this is the first occasion since the opening of Parliament on which any discussion has arisen upon these recent negotiations. It appears to me unreasonable and impossible to expect—to require from the Government any statement of their present policy which they are not disposed at this moment to volunteer to give to the House. Undoubtedly, if the Government thought it would be conducive to the public service, and if they had any information to give to the House as to the course they are at this moment pursuing, that information would be received with the utmost pleasure and satisfaction. It is, however, quite impossible for us who sit on this side of the House to ask the Government to tell us what is the policy they are now pursuing, while we are in ignorance as to the policy which they have been pursuing. All we are entitled to require from them—and on that point I think they do not require any pressure—is to urge on them that these Papers should be presented with the least possible delay, and that the House should be allowed an opportunity as soon as possible of expressing its opinion on the subject.

MR. DISRAELI: Sir, I must claim the indulgence of the House to explain an expression I used, which to hon.

Members who sat in previous Parliaments would not have been necessary, but seeing that the expression I used has been misconstrued by several hon. Members, I should like to explain. I said that the Papers were voluminous, and that there were some Papers which we could not lay on the Table without previous communication with foreign Powers. That is the procedure which has always been adopted, as the noble Lord opposite and any hon. Members of this House who have any acquaintance with the conduct of affairs must know. That, however, does not mean that we cannot put on the Table of the House despatches in answer to our own. All those Papers are public records of the feelings, policy, and views of the different countries, and can always be produced; but in the course of negotiations of this kind there are confidential communications made by foreign Powers, and it is very often highly necessary for the vindication of our course and as illustrative of our policy that these documents should be published; but the House will see at once that the ancient custom which has always been observed of consulting foreign Powers before confidential communications on their part are laid before Parliament is a very proper and very wise one. The House must feel that otherwise there would be an end to all confidential intercourse with any foreign Power. When we are told that all that the Government have to do is to consult the House of Commons, and not under any circumstances to consult those who are our allies, the only consequence of such a policy would be that all the Papers we could lay on the Table would be documents which the House would soon find were wanting in light and information on many points of the most interesting character. I thought it right to explain the use of a particular phrase which is customary in Parliament, and to vindicate a practice which has been most salutary, and which has been observed by every Minister who has been entrusted with the conduct of affairs in this country.

Motion, by leave, *withdrawn*.

#### PRISONS BILL.—[BILL 180.]

(*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson.*)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to

Question [22nd June]. "That the Bill be now read a second time;" and which Amendment was

To leave out from the word "That" to the end of the Question, in order to add the words "this House, whilst recognising the necessity of measures being adopted to secure economy and efficiency in the management of Prisons, is of opinion that it would be inexpedient to transfer the control and management of Prisons from Local Authorities to the Secretary of State;" (*Mr. Selwin.*)

—instead thereof.

Question again proposed. "That the words proposed to be left out stand part of the Question."

Debate resumed.

THE LORD MAYOR (Mr. Alderman Corron) said, the Court of Aldermen and the Court of Common Council of the City had passed resolutions against the Bill, which resolutions had their origin in the feeling that the Home Secretary already possessed sufficient powers to carry out all that was useful in the measure. He had, since the Bill was last under consideration, carefully considered its provisions, and had watched the manner in which it had been received by the municipalities which had held meetings on the subject, and also by the magistrates at quarter sessions. Of the municipalities but few meetings had been held; but as far as he could analyze the results, from a statement in *The Times* of the number of meetings held for and against the Bill by various municipalities and courts of quarter sessions, it appeared that 25 meetings had been held, of which 13 had voted against the measure, 10 had been indifferent, and two had been neutral. It could, therefore, hardly be said that the measure had been very favourably received by those whom it would most immediately and directly affect. With regard to the magistrates, it was difficult to understand why it was attempted to remove them from the offices which for so many generations they had so well and efficiently filled, and when, as he contended, they constituted the machinery by which the good order and management of the prisons had been carried out. They were constantly replenished by new blood, and as they went with the times they were sure to take the lead in the improvement of prison management. He feared that the Bill would destroy

the efficiency of the magistracy, and it would, at any rate, impair their self-respect. The working of the Bill would be confided to five Commissioners, to be appointed by the Home Secretary, to work under his sole control. They would have the appointment of sub-Commissioners, and the magistrates would only be allowed to meet and to act when the Home Secretary and the Commissioners thought fit, and to visit the prisons when they might so determine. ["No, no!"] It was, at any rate, as he had stated, so in the Bill. Their decisions would have no force until reported upon by the sub-Commissioners, and submitted to the Commissioners and the Home Secretary. They all knew what the result of such a mode of dealing with business would be. In that House they were accustomed to receive Reports and to make Reports, and when the actual management of prisons was transferred to sub-Commissioners and Commissioners, and to the Home Secretary over all, they could easily imagine the result of such a vast centralization. The indifference and apparently submissive manner of the magistrates was inexplicable to him, and he could only account for it by remembering the late period of the Session and the glowing terms in which the Bill was introduced by the Home Secretary. He trusted the right hon. Gentleman would not press the Bill forward during the present Session, as proper time had not been allowed to consider a measure of such magnitude and importance. If, however, the Government should determine to proceed with it, he trusted that the House would not allow the liberties of the people to be absorbed and neutralized by any Secretary of State. In a letter to *The Spectator* more than 100 years ago a correspondent advised the editor of that celebrated publication to take care how he meddled with the country squires, for they were the ornament of the English nation—men of good heads and sound bodies. Such advice, however, appeared to be thrown away at the present day, and for the magistracy to have to submit to the action of sub-Inspectors of Prisons was, he thought, a very serious matter. His own opinion was, that the course which was about to be pursued must lead to the destruction of the magistracy, and thus far in a very great degree to the destruction of English liberty. Indeed,

*The Lord Mayor*

the attack which was made, through the Bill, on the magistrates of the country astonished him beyond measure, seeing that no censure had or could be passed upon them for anything which they had done, for they had administered the prisons under their charge economically and well. As a magistrate he had no objection to receive the recommendations of the Secretary of State, and he could not conceive why any prisons which ought to be closed might not be closed under the existing authority. He should like to ask, too, if the present was a fitting moment to transfer any charge whatever from the rates to the Consolidated Fund, seeing that that fund was so heavily burdened at the commencement of the Session that the Chancellor of the Exchequer had to increase the Income Tax, and trade at the present moment was so terribly depressed. Another very great objection to the Bill was the enormous amount of patronage it would place in the hands of the Home Secretary. When the appointments of governors of gaols, chaplains, and other officers, with salaries ranging from £150 to £1,200 a-year, was distributed among a large body of magistrates, it was very different to concentrating the whole of the appointments in the hands of the Home Secretary, and that plan seemed almost certain to lead to great abuses, which were sure to cause great discontent. Such patronage would be far better exercised by the magistrates than it ever could be by the Home Office. Neither was it necessary to sweep away so many prisons, and to introduce so much centralization in order to effect some at least of the objects of the Home Secretary, for a uniform scale of diet and clothing could be introduced in the prisons that were retained. As to Newgate, it was the most convenient prison for the trial of criminals, who came there from all parts, and who were frequently of the lowest class. Notwithstanding that, however, the total cost for food per week for each prisoner in Newgate was only 2s. 7d. per head, and he defied the governor of any other gaol to feed the prisoners under his charge for a less sum. In the face, he might add, of the report that the Home Office was already greatly overworked, he was surprised to find the Government introducing a measure which would throw upon it so much additional labour. Some municipalities

had already notified their objection to such a measure, and if time were allowed he felt sure that many more would do the same thing. The plumage of the Lords Lieutenant of counties had been lately to a great extent plucked away from them, for they had been deprived of the right of appointing officers for the Militia and the Volunteers, and it seemed as if they and the magistrates were to be put on one side altogether. For his own part, he was of opinion that, instead of pressing on the Bill, it would be well if a Select Committee were appointed to inquire into and report upon the management, expenditure, and patronage of the Government convict prisons, before Parliament was called upon to take a step which would seriously interfere with the liberties of the people, with the rights long enjoyed of appointing unpaid magistrates, and thus maintaining throughout the whole of the land a zealous, efficient, and influential body of administrators, respected and looked up to in their respective localities. Let it be seen how the work had there been done, and the House would then be better able to judge whether it would be safe to hand over such powers as were now asked for to the Secretary of State. He believed that the complaints of the prisoners would not receive so much consideration if the visiting justices were not interposed between the officers of the gaol and the Home Secretary. They gave considerate attention to those complaints, and at the same time they certainly did not pamper them. He opposed the Bill in the interest of liberty, in the interest of the country generally, and in the interest of the municipalities, which must feel that the measure was a direct attack on their privileges. If a magistrate had no power over the inmates of a gaol, he would soon cease to take any interest in their management. In conclusion, he must express a hope that the House would reject the Bill.

MR. WHITBREAD, in opposing the Bill, said, he thought it had been put forward as a bait. It had been introduced for three distinct purposes—first, in order to secure uniformity of punishment; secondly, in order to do away with the present duality of government; and, thirdly, in order to secure a more economical management; and he would in regard to these three points read the Bill according to answers given to

the deputations which waited upon the Home Secretary, and according to the discussions which had taken place upon it during the debate. As he understood it, the right hon. Gentleman argued that the visiting magistrates were not aware of the present position; that if they were, they would see that the Bill left them nearly the same authority in prisons as they possessed now, save that they would have a new master; that instead of making their report as now to the court of quarter sessions, they would in future have to report to the Under Secretary of State for the Home Department. But how was the patronage to be exercised? He was told that the Secretary of State would appoint the governors, and that the visiting magistrates would have in their hands the appointment of the warders. Well, if that were so, who was to deal with the complaints which the governor might make against the warders? Would the magistrates, or would the Secretary of State, have the power of dismissing the offending warder? If the magistrates, then they would again have the evils of duality of government, which it was one of the objects of the Bill to remove, intensified. These and many other points ought to be cleared up before the House assented to the second reading. In reality, the visiting justices were to be left much in the same position that they at present occupied. [Mr. ASSHETON CROSS: No.] Well, if not, he hoped the right hon. Gentleman would tell them so, for they were entitled to know distinctly what their position would be. There might be a great saving in prison administration if the system of centralization were thorough; but the Home Secretary bound himself by the Bill to maintain a prison in every county, leaving out of mind, seemingly, the fact that it was impossible to commence the attainment of real economy or perfection in the classification and treatment of prisoners, unless there were between 300 and 500 prisoners in a gaol. But out of the 40 counties of England there were 8 in which the average number of prisoners under detention was less than 100, while there were 13 other counties in which the average number was between 100 and 200. Thus, in 21 out of 40 counties there would exist the necessity of maintaining a very small prison. Again, in

matter ought not to be left to rules; it should be provided for by statute. It was said that the Secretary of State might be disposed to leave the appointment of subordinate officers to the visiting justices. He thought that would be unpopular, and would tend to set up two authorities without any direct responsibility. There was another point on which he felt strongly. He lived in a county where there was comparatively little crime, and where the prison accommodation was considerably more than double what was required. The natural result would be that their prisons would be filled up from less fortunate districts. Nothing could be more mischievous than bringing a surplus criminal population into prisons such as he had described. Some 12 months ago such a proposal was made to take prisoners from a different county. He then said, whatever was done, they should take care, not only to secure plenty of cell room for their own prisoners, but that in the means of labour also they should keep the two sets of prisoners entirely separate. He did not think it would be fortunate to bring a criminal population among another slightly tinctured with crime. They heard a good deal about education, but they did not want the education of an innocent population in crime. These were the reasons—great as the money bribe was—that disabled him from giving his assent to the principle now proposed, without having a longer period for consideration, and he thought the principle ought not to be affirmed by the House until the question could be considered in all its bearings. If they took such a step in this matter, there would be no going back. For these reasons, though he said so with great reluctance, he was unable to support the second reading.

SIR JOHN KENNAWAY said, he was glad to hear the independent testimony which had been given to the fidelity and discretion with which the magistrates had exercised their duties. The Bill under the notice of the House was an illustration of the saying that we did not know the value of a thing properly until we were about to lose it. He thought the House had to ask themselves how it was that such a measure, which certainly seemed at first sight to take away from the efficiency of the magistrates, was proposed by a Conser-

vative Home Secretary, apparently with the consent of a large portion of his Party? When they inquired how that was brought about, hon. Members should put themselves in the position of his right hon. Friend, and then they would be reminded that the present Government came into office pledged very largely to remove the inequalities of local taxation, and to alter its unjust incidence, so that charges of an Imperial nature should not be locally levied in the manner of which complaint was made. This Bill had been introduced in accordance with the Resolution moved by the hon. Baronet the Member for South Devon (Sir Massey Lopes); but that was not the only motive that weighed with the Home Secretary. He had been urged to undertake the reform of prison management. The last 10 years had brought about a very different state of things. There had been a large emigration, and, on the other hand, there had been a great increase of trades. They had the experience of the Act of 1865, and the Home Secretary told them that greater reforms might be carried out. They had also to consider the utilization of the labour of prisoners, and the mode of its disposal. Matmaking had been almost universally adopted in prisons; and the practice had caused great complaint in that particular trade as being most unfair to them. Under that system, they wanted for governor not only a man who could maintain order, but a man who knew also how to dispose of the produce of the gaol. Under the Bill the matter would be remedied; for the Government itself would purchase the numerous articles which they wanted from the prisons. They already had the police clothes made in prison, and he trusted that their efforts would to a further extent be successful in this direction. It had been said that all the proposed improvements could be carried out under the existing law, if only the Home Secretary would issue some strong edicts and institute a thoroughly uniform system. But he (Sir John Kennaway) could not agree that that would be possible. The matter was really in the discretion of the magistrates at quarter sessions, and if they were asked to submit to a system of strict rule, they would decline to be responsible for the administration of the prisons. He was glad that by this Bill the Home Secretary

*Mr. Henley*

had shown himself desirous to avail himself of the local knowledge and high character of the magistrates, of whose powers the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) was afraid they were to be deprived. On the contrary, the visiting justices would be in a position to advise upon a great many matters of importance. They would, as before, be responsible for much that was connected with the prison management, and also for the appointment of the minor officers. They had also to thank the Home Secretary for the consideration which, under the Bill, he had shown to the Prisoners' Aid Society. He had no fear that the Bill was inflicting any serious blow upon local self-government, for there would still be ample scope in school boards, highway boards, and county boards for those who desired to serve their country in that way. He was, however, anxious that those who had hitherto borne the burden of prison management should continue to interest themselves in it; and he trusted, therefore, that the Government would consider the suggestions for giving those persons a somewhat more extended patronage both in connection with patronage and also with management. He protested against handing over the whole matter to a central despotism, and it was because the Bill did not involve that result, and for the other reasons which he had given, that he should support the second reading.

MR. PEASE said, that the Bill was divided into two parts; one of which referred to the discipline in prisons, whilst the other included the financial part of the question. Of these, that which related to prison discipline was much the more important, but the two portions touched each other very closely, and neither could well be dealt with to the exclusion of the other. It might be perhaps necessary for the Government to contribute to local burdens, and he believed it was right sense, and it possibly might be right sense, to have the prisons transferred to them; but he did not think that it would be wise to meddle with this question of prisons without going a great deal further into the question of local authority and local areas than they had at present done. Further, he did not believe that the mode in which that was pro-

posed to be accomplished by the Bill was a judicious one, or that the other results which it proposed to have in view would be obtained by it. The Bill proposed that, with some small exceptions, the Government should manage all and pay all; but he (Mr. Pease) contended that the Home Secretary had not shown that the evils he desired to get rid of could not be remedied under the present system, nor had he shown that the advantages of the proposed change would not be counterbalanced by corresponding disadvantages. As to removal, it was said that changes could then be made which could not now be made; but under Clause 5 of the Act of 1865 the Home Secretary had very considerable power to remove prisoners from one gaol to another, and, if he required more power, the House would gladly give it to him. The right hon. Gentleman recommended his Bill on the ground of the greater classification of prisoners of which it would admit; but the statistics relating to prisoners afforded but little hope of that. There were, he found, 18,000 prisoners in the borough and county gaols of the country, and of those only about 3,000 were in gaol under sentences of above six months. On the other hand, out of the 9,000 committals in the year, only 6,900, or in round numbers 7,000, were for periods of less than six months, while of the latter portion, those sentenced to imprisonment for terms ranging from six months to a year formed by far the larger proportion. They had the large number of 142,000 prisoners annually committed on short sentences, for offences which, to a great extent, were too widely different to admit of much classification. Out of the 6,900 committals to which he referred, there were nine gaols in the kingdom that had received 2,800 of that average of prisoners on long sentences, and there could therefore be only 2,000 prisoners distributed in the gaols throughout the country under sentence for offences which admitted of any classification. That being so, they could not hope for any great classification under the Bill of the right hon. Gentleman; but even if there were room for it under the existing system, the right hon. Gentleman could effect it under the provisions of the existing law, or, if those were insufficient, the House would gladly make them more complete,



He thought the right hon. Gentleman's calculations on the increased value of the productive work of prisoners were equally unsatisfactory. Another object which the Bill was to accomplish was to make uniform the cost of maintenance of prisoners in the different gaols; but the cause of the discrepancies which existed in that respect was nothing else than the want of intercommunication between prison authorities and of a little central supervision. For that defect there was also a cause, which could be readily ascertained and remedied without the necessity for this Bill. The next point on which he based his Bill was uniformity of treatment. That was one of the objects of the Act of 1865, and it was the first time he (Mr. Pease) had heard that that Act had very much failed. There were Inspectors, and if they had anything to do it was to secure uniformity of treatment. He had read the Reports of the Inspectors, and while they were full of microscopic details, they were very empty indeed of matters touching on the great branches of prison discipline. He wanted to know if the new Inspectors would do any better than the old. It seemed to him they were left exactly in the same position with the new as they were with the old. Great cost was to be saved in prison management by turning the whole thing into a high Government Department; but there was no reason to suppose that the Government could manage the matter so much cheaper than the justices had done. They had not shown any great economy in the management of the Post Office or the Telegraph Department. Upon investigation Government prison economy vanished just the same as prison classification vanished, and he had not seen anything to make him believe that the Inspectors would do more duty to the Board than they did under the right hon. Gentleman. He wanted to know how this change of the administration of prisons would affect the numbers in the prisons. There were many cases in which it was a nice question whether there should be fine or imprisonment, and the decision might be somewhat affected by the knowledge that a prisoner would be kept at the expense of the country generally instead of being a burden upon the county rate. If so, he believed the tendency of the Bill would be to increase the number of persons

sent to gaol rather than decrease it. He was strongly opposed to Government contracts, and he held that if the prisons contracts were all to be managed in London, instead of being shared by the different counties, it would lead not only to centralization of the contracts, but to a decrease in the value of the commodity supplied and an increase in price. He therefore doubted whether the Government could contract for what was wanted in gaols nearly so advantageously as the justices had done. The right hon. Gentleman said the Bill would close about 50 gaols, and there they would effect considerable economy. That was true enough, he believed; and no doubt it might be done, for in Buckinghamshire, for instance, there were two gaols with but 90 prisoners between them, but it was not requisite, he contended, to pass a Bill like the present to provide for the closing of gaols. A very slight change in the existing system giving the Secretary of State the necessary powers would effect that object, and reforms and economies might in that way be satisfactorily carried out. The Commissioners and Inspectors, he might add, who would be appointed under the Bill would have to be paid, and it would, he thought, be very unfair to the Secretary of State and his successors in office if, when so much additional work would be thrown upon them, their salaries also were not increased. In whatever direction he looked, indeed, he saw very great objections to the Bill. It would produce no improvement in the management of our prisons, and give rise to very great increased cost. The visiting justices had very little feeling upon the subject of patronage, but were they prepared to hand it over to the Home Secretary and those who might come after him? He, for one, was not, and under the proposed arrangement the double patronage of the Home Secretary and the visiting justices would not work well. One of the results would be that the Home Secretary would be everlastingly troubled with hungry half-pay officers applying for gaol appointments. All the reforms that had taken place in our gaols had not come from the Government. They had been commenced by a Howard, a Fry, a Buxton, a Garay, and had been followed up and carried out by the visiting justices. He was

in favour of reformation, but he was entirely opposed to revolution and to the system of double government which would be created under the Bill, which, besides, would trench upon the great principle of local self-government and departmental control, to which they owed so much of the independence and greatness that characterized Englishmen and the English nation throughout the world.

Mr. J. R. YORKE said, the evils of the present system of prison management were great and patent and were becoming intolerable, and the question was whether the Bill was the best remedy for those evils. It had always been pressed upon the Government by local taxation reformers that relief should be given to the local taxpayers; and it was because the Bill was a step in that direction that he considered it both opportune and worthy the support of hon. Members on his (the Ministerial) side of the House. Everyone was agreed in affirming the principle of the Bill, and many of the objections urged against it by the hon. Member for South Durham were applicable to the details of the measure, which he thought could be disposed of in Committee. It secured efficiency, economy, and uniformity of prison discipline, while the ratepayers were satisfied with the financial prospect opened up by the measure. It was, in fact, a continuance of our recent policy in the same direction. A Committee of the House of Lords inquired in 1864 into the discipline and management of our prisons, and the Bill of 1865, founded on their Report, had practically superseded the visiting justices, as far as their individual discretion was concerned. There were three points of view from which the Bill was to be regarded—the point of view of the justices, that of the ratepayers, and that of centralization as compared with local self-government. As to the justices, the Bill had undergone a searching ordeal at quarter sessions; but from a statement handed to him he found that it had been approved definitely at no fewer than 20 quarter sessions, while it was only disapproved, or partially disapproved, at seven. In his own county (Gloucestershire) Mr. Barwick Baker, a most eminent prison reformer, opposed the Bill, among other reasons, because it would put an end to voluntary efforts in the

matter of prison reform and the treatment of criminals, because country gentlemen would be intruders where they were now lords and masters, and would thus cease to attend to those matters as heretofore; and also because uniformity in prison management was not desirable, crime having its local characteristics, and the criminals of different localities requiring different treatment. These arguments prevailed, and Gloucestershire was one of the counties opposed to the Bill. But if every county were like Gloucestershire, and if every magistrate were like Mr. Barwick Baker, there would be no need for the Bill. In his opinion, every county ought to be brought up to the same standard, a result which could not be obtained without some such measure as this and without uniformity. The Home Secretary had manifested, by the concessions he had promised, a desire to consider the susceptibilities of the visiting justices, and had shown an anxiety, as far as was compatible with the principle of the Bill, to retain among them an interest in their work. The right hon. Gentleman had considered the importance of having the services of an independent body of local men to whom prisoners could have access, so that the public might be satisfied that any complaints of ill-treatment which the prisoners had to make would be looked into. Governors of prisons, however, would very much prefer one central authority to the many masters they had at present, and they would thereby obtain a better prospect of promotion and a readier recognition of any services they were able to give. As to the ratepayer, the Bill was a further step in the direction of relief to this poor beast of burden, now so overlaid. Some relief had already been afforded to him by the present Government in the matter of police and lunatics, and the administration of justice was a matter in every way deserving to be dealt with by the central authority. Coming to the constitutional point of view, he denied that the magistrates were in any sense representatives of the ratepayers, except so far as they were ratepayers themselves. They were appointed by the Lord Lieutenant, and therefore in that respect owed nothing to the ratepayers, and were perfectly independent of them. He declined to regard the Bill as a blow to local self-government. No doubt

principal complaints against the Bill, except that they were to be called "a visiting committee of justices" instead of "visiting justices," he failed to see that the Bill would make any substantial alteration in their functions or powers, for the Bill conferred upon the visiting committee all the powers that were now vested in visiting justices by the Act of 1865, and under their new name the same persons would retain all the disciplinary authority which they now exercised, and from which he should have thought they would be glad to be relieved. The only power which would be interfered with was the power of expenditure, and this had belonged to them in theory rather than in practice, and it certainly was not one which falls within any proper definition of self-government, or one which hon. Members on the Opposition side of the House should be desirous of maintaining. Moreover, he was doubtful whether the justices ought to be anxious to retain it. No doubt there were signs of strong opposition to the Bill. Some of the objections the Home Secretary had foreseen, and he had rightly anticipated that they would come from places where prisons are maintained. Among others, the Town Council of Nottingham had presented a Petition against the Bill, and a very instructive document that Petition was. The framers of it seemed to think that an appeal to the memory of our ancient liberties would always find favour with the House, and they therefore raised the cry of no interference with local self-government, but they could not fail to see that government by magistrates appointed by the Crown hardly came within that idea, and so they suggested that it was for the interests of the community that some men of merit should be entrusted with certain powers over their fellow-citizens, provided they exercised them under the eyes of a Town Council; and in this way they alleged that they now had some power of controlling the expenditure, and they expressed a belief that the administration of gaols by visiting justices acting under the eyes of town councils would be far more economical than by the Government. That and similar Petitions had confirmed him in the belief that a good deal of the opposition to the Bill was based on the interference which it would exercise with the pur-

veying of meat and stores for these prisons, but he hoped that the Home Secretary would not be discouraged by that species of opposition. Then it was said that this plan would tend to centralization, and to some hon. Members this was sufficient to condemn any measure. But they must not be misled by names. Many functions of Government were better discharged by a central authority, and was not the management of prisons one of them? Certainly, the question of prison management was in no sense one of local self-government, and in what sense could it be said to involve self-government at all? The Act of 1865 prescribed a code within which the visiting justices were obliged to move, and they formed, in fact, the local machinery for carrying out the Act. Doubtless that Act left a certain amount of discretion within the general rules which it prescribed, but that very discretion had resulted in the discrepancies in discipline which called for the present Act. The administration of justice was in every respect an Imperial function. Our criminal law was administered in the name of the Crown, and the Courts of Quarter Sessions were the Queen's Courts, and administered justice in her name. By the Common Law, all prisons were vested in the Sovereign, the legal estate of the gaols being, according to Blackstone, in the Crown. The gaoler had always been the officer, not of the county but of the Sheriff, and the Sheriff was the servant of and was appointed by the Crown. That the prisons should ever have passed under local management was, to a certain extent, an anomaly, and was probably adopted by Parliament, with the consent of the Crown, merely for greater convenience and for facilitating the discharge of the administration of the law, which had always been the first duty of the Sovereign power. What substantial difference would be effected if this Bill should pass? He could not find a single point, except in regard to the question of patronage, and that could not be really an essential matter of self-government. The officers who would have to carry out the Act ought to be, and under this Bill would be, trained men, and, as there would be opportunities for promotion and a much larger field for selection, he could not doubt that the civil servants whom this Bill would provide would be much

*Sir Henry Jackson*

better qualified to carry on the government of a prison than the present prison staff. He wished to say nothing disrespectful of any persons connected with any gaol in the country; indeed, he could bear testimony to the efficiency and zeal of many governors of prisons: but still he thought that a better officer would probably be secured by selection from trained *employées*, than by an active canvass on behalf of some retired colonel or captain at quarter sessions. In regard to the minor appointments, the Government had shown a disposition to give way. No arguments against the Bill had been used which could in any sense counterbalance the great benefits of economy, efficient management, and last, but not least, relief of local burdens. At the last General Election a great and powerful Party came into office so intimately connected with the landed interest that it was hoped they would be able to deal with matters of local self-government and local taxation more successfully than the somewhat heterogeneous Party which had previously occupied the Ministerial benches. The latter had, indeed, great ideas and grand schemes which he hoped they would one day be able to carry out; but in their very greatness would be found the chief difficulty in carrying them. He and others, however, had hoped for some consolation in their Party defeat, in the expectation that the Party opposite, who out of office had made this question a Party cry, would in office seriously grapple with it. They could do what the Liberal Party could not do. Hon. Members opposite would follow the present Prime Minister wherever he would lead them, and no more powerful Government for such questions as these was to be hoped for. Well, then, when this Government, after a long delay, fairly attempted to take a step, which if simple was at least effective, and if not comprehensive was at any rate practical, the Opposition would have none of it, because it was only a small measure and not part of a great scheme, and hon. Gentlemen opposite either possibly supported or opposed it because it interfered, forsooth! with their vested interests in patronage and power. Before long the establishment of County Boards would be a practical and a pressing question, and could any one deny that their establishment would be facilitated by the transfer

of the prison jurisdiction to the State. That would be one element removed from the chaos with which the Minister, whoever he might be, who took up that question would have to deal. If the Bill went into Committee there were one or two points of detail to which the Home Secretary would probably give his attention. Amongst others he hoped that the right hon. Gentleman would adopt Clause 53 of the Act of 1865, which allowed any magistrate acting in his jurisdiction to enter any prison at any time to make a report. He regarded the measure as a Bill not merely to relieve the land from burdens, but as one for the improvement of our prison laws, and he hoped the Government would be able to pass the measure during the present Session, because he, for one, could not find in it any of those dangers of centralization which hon. Members had denounced.

MR. HARDCASTLE said, that the question raised by the Bill was whether the magistrates had done their duty in respect to the prisons well or badly. If they had done their duty well, there could be no pretext for passing this Bill; if badly, there could be no question that it was a slur and rebuke upon them. In his opinion, they were not deserving of either. It certainly could not be argued that the business of the magistrates had been badly managed universally; and although a saving might be effected by the union of small gaols generally, yet in certain districts, and especially in those counties the prisons of which were now well conducted, the result of the Bill would, he was afraid, be anything but economical, as the right hon. Gentleman the Secretary of State for the Home Department expected. In the county of Lancashire, in particular, with which he was connected, that measure would, he feared, inflict a very considerable fine on a large section of the taxpayers. The expenditure under that Bill would probably amount to a farthing in the pound on the income tax, whereas at present in Lancashire the corresponding burden was less than a farthing in the pound on rateable property. There was a great difference between paying a farthing in the pound on a rental of, say, £40 and paying a farthing in the pound on, say, £200 of one's yearly income, even allowing for the new exemptions from the income

tax. The Bill took the management of the gaols from the magistrates and transferred the patronage connected with them to the Government. The minor appointments, it appeared, were still to continue to be vested in the magistrates; but he was inclined to think that so much inconvenience would arise from dividing the patronage, that he doubted whether that arrangement would work well. It was said that the services of the visiting justices would be retained, but such experience as they had was opposed to this hope. At Lewes they had been invited to visit the Government Prison, and had done so; but the result was that they practically found themselves so much snubbed by the Government officials that they had all, with one exception, declined to perform that duty. If they were to have independent governors and officers appointed by Commissioners and superintended from London it was obvious that magistrates who took an interest in their duties would feel that their power for good was taken from them, and that henceforth they were to be virtually set aside as regarded the management of prisons. In conclusion, he regretted that he was compelled to take refuge from the startling Radicalism of the Home Secretary in the unexpected and reassuring Conservatism of the hon. Member for Burnley.

MR. GOSCHEN said, that immediately after the last debate on the second reading had taken place the Home Secretary received a deputation of justices, and he told them that he was glad to see them, and that he was sorry he had not been able to say what he had desired to say in the House when the second reading was moved. What was the meaning of that? Surely, if the right hon. Gentleman had really made up his mind on the previous evening to make the concessions which he made to the justices when they called upon him, he might easily have announced the fact to the House through the mouth of one or other of his Colleagues who then addressed it, even though he might himself on that occasion have been suffering from what might be called "suppressed speech." Then the House would have been able to discuss the new and altered phase of the measure with advantage. But the real explanation was, that the concessions which he made to the justices were

the result of after consideration. The debate had shown him that he could not carry the Bill as it stood when he introduced it, and upon reflection he agreed to alter it. The right hon. Gentleman had taken to himself the appointment of governors, chaplains, surgeons, and superior officers, and had left to the justices the appointment of warders, servants, and cooks. Many hon. Members had spoken of the dualism to which that would lead. But the House had not simply to deal with a question of privileges and patronage. The justices did not think of the petty patronage attached to their office. Leaving that out of the calculation, he (Mr. Goschen) said that the question raised by the Bill was not a question between the justices and the Government, but a question between the State and local authority. And it was a question of self-government generally. The Bill would take away the power of the latter, and put it into the hands of the former, and therein lay its great danger. His right hon. Friend the Lord Mayor would forgive him if he said he regretted some portions of his speech, because he accentuated more the privileges which attached to local authorities than the duties which they had to perform. Many men belonging to the non-professional classes were harnessed to the work of the State and did the work of the State. There were many hon. Members on both sides of the House who felt it was of great importance that those men should continue harnessed to that work. He believed it was admitted that this Bill would effect the transfer of one great branch of local Government to the central Government; the quarter sessions would have to retire from the position of being responsible for the gaols, and the Commissioners were to take their place and occupy that position. The heading of the 4th clause was "Maintenance of prisons and prisoners out of public funds." The heading of another clause was "Prisons to vest in Secretary of State"—that was centralization. And as a result of that there came this heading, "Appointment of Prison Commissioners"—that was patronage, and the whole system of bureaucracy, with assistant Commissioners and all that appertained to them. After the Bill became law, who would be responsible for the gaols, and who was to have the credit of the gaols being well or badly

kept? The gaolers. But the gaolers would be appointed by the Government, and although the justices would endeavour to do their duty they would not be responsible for the conduct of the gaols. The argument set forth on behalf of the Bill was that it would promote economy, efficiency, and, last not least, relief to local taxation. It was a fair inquiry in what degree these considerations were likely to influence the majority that might possibly pass the Bill. Was it efficiency or economy that would be appreciated — or the three things in the pound that it would save the ratepayers? There were no statistics to refer to with regard to the points of economy and efficiency; but suppose the Bill had not offered a relief of three things in the pound to local taxation, would the eloquent arguments as to the advantages of superior discipline and uniformity of arrangement, and the great argument with regard to the remunerative character of mat-making, have persuaded hon. Members to support it? Suppose, again, that this saving of three farthings in the pound to the ratepayers had been offered, without the lack upon quarter sessions — he believed that the Bill would then have been accepted with acclamation; and therefore the real origin of the Bill was not those considerations which had been put forward. He knew that the question of local taxation must be dealt with; but he hoped that it would not be constantly popping up in all their legislation, so as to induce the Government to introduce Bills that they would not otherwise have introduced, and to postpone Bills that they would not otherwise have postponed. As to the statements in respect of efficiency and economy, they had not seen the statistics upon which those arguments were said to be founded. He wondered, however, whether they were convincing as those upon which they ought the telegraphs, or as those upon which the Licensing Bill was founded. Even if the statistics proved that there would be increased economy and efficiency, did it follow that the increased economy would continue for many years? Was that their experience of Government administration? Could any figures persuade them that Government management would be a cheap management? The late Government had introduced a Bill which would cut away one of the

chief functions of quarter sessions in order to save £50,000 or £100,000, would they not have been denounced upon every hustings? Therefore, to those who sat on the Opposition side of the House, it was perhaps a little diverting to hear the Home Secretary discussing the question whether he would be able to do the very same thing. He did not think that this question turned entirely upon the point whether or not the State would be able under the provisions of this Bill to show a good balance sheet at the end of each year as the result of its management of our prisons. He might, however, observe that it was remarkable that in some of our large prisons in Lancashire the cost per head of the prisoners was only £16, whereas the Government estimate put the cost under the proposed State system at £21 per head. He did not know how far the opinion was shared by hon. Members near him; but his view was that it was not merely because the State could do something cheaply and efficiently that therefore such duties were to be cast upon it. He believed, on the contrary, that if such a principle were acted upon, it would lead to changes of a most dangerous character which we might live to repent. It might lead to the transfer of the police to the State. If the Government could manage the police more cheaply and better than the local authorities, would the House be prepared to place them under the Government? ["Hear, hear!" from the Ministerial benches below the Gangway.] He called the attention of the right hon. Gentleman the Chancellor of the Exchequer to the cheers which came from below the Gangway on his side of the House, which showed that in the opinion of hon. Members who sat there this Bill contained but an instalment of that which had been asked for, and there was no knowing how much further they might be asked to go. Were those hon. Members really ready to hand over the police to the Government? ["Hear, hear!"] Then the police would become mere Government officials, and instead of the local authorities the State would be answerable for public order. Before he sat down he asked the Government most earnestly to let the House know whether this measure was an exceptional piece of legislation in the direction of centralization, or whether it was intended

to carry into effect the view of the hon. Members who had just been cheering? Those who now sat on the Opposition side of the House had often been charged with false economy, but they had never been so falsely economical as to hand over the police to the State, and make them an Imperial constabulary, in order to save the local rates. He regretted extremely that the question of local taxation appeared to have reached a phase in which it induced hon. Members opposite to set aside all constitutional principles for the sake of a small annual saving. The hon. and learned Member for Cambridgeshire (Mr. Rodwell) stated the other evening that this was not a centralizing Bill, because the local justices were, under the existing system, simply acting under regulations, and could not exercise any self-government at all, their duties being prescribed for them by statute. But in putting forward that argument the hon. and learned Member appeared to have fallen into a confusion of ideas as to what was meant by self-government. Government consisted not in passing laws, but in executing them; and he wished to know whether those which affected the localities should be executed by the local authorities or by Imperial officers? The principle of self-government was that the State looked to others besides its own servants to perform the duties required to be discharged in the various localities. The distinction between privilege and duty had been too much kept out of sight all through the debate. In the English public service were included not merely those who were representative and elective, but even those local authorities, such as the Lords Lieutenant and the High Sheriffs, who were appointed by the Crown, but whose local connections made them to all intents and purposes local authorities. The State said, and was wise in saying—"We will press into our interest the strongest bodies in the localities, and we prefer to use those persons rather than our own paid officials." He, therefore, differed from the hon. Baronet the Member for North Devon (Sir Thomas Acland), who always spoke so well on these local taxation subjects, when he said that what was an Imperial concern became a national duty. Why, at that moment, that great statesman, Prince Bismarck, seeing the great advantage England was

deriving from this system, was decentralizing, and was anxious to press into the service of his country that principle which in this country had so long held society together, and stood between the population and the State in times of dangers and at critical junctures. It was not a slight thing to hand over the police and the gaols to the Imperial Government, so that the people could no longer say—"These are our servants whom we pay ourselves." The distinction was not fanciful; it was real. He heard with pleasure the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) speak of the importance of the connection between the criminals and the custodians of the gaols, for he thought the right hon. Gentleman was not alone in that opinion. He had not gone into statistics in reference to this branch of the subject, but had contented himself with calling attention to a few of the general considerations which in his view bore upon the main principle of the Bill. He felt sure that there were many hon. Members sitting on the opposite side of the House who agreed with him in the view that with regard to this Prisons Bill decentralization had been pushed too far. They were against centralization, against increasing the patronage in the hands of the Government, against diminishing the work to be done by the county authorities; and it was only for the very strong exceptional case made out by the Government in dealing with the prisons that they would now support the present Bill. It had been said that the counties could be better organized if they parted with the administration of their prisons. The hon. Member for South Derbyshire (Mr. Evans) said that if they parted with the prisons the Government would be more able to frame a Bill to deal with County Financial Boards; but the public did not want County Financial Boards, but strong county institutions. Why was the Bill brought in? He would tell them. The House was called upon to inflict this serious blow upon self-government, because the Government was under a pledge to deal with local taxation; but was this the only mode in which they could give relief? He appealed to the House whether it was not time some authoritative statement was made as to what relief was still due, and how far this system was to go. The first year

*Mr. Goschen*

they subsidize; the second year they do nothing; and the third year they centralize. It was a system of biennial sops. The candidate who was now fighting West Worcestershire said the other day—"At the same time I regard the measure as only a small instalment of that to which those engaged in agriculture are entitled." The Government had already given £1,000,000, and now £300,000, and he wanted to know what were the acceptances held by the hon. Baronet the Member for South Devon (Sir Massey Lopes), and how much he yet expected to get from them? Nothing could be more unsatisfactory than that, and he believed he spoke the unanimous sentiments of the whole House when he bade the Government to make a clean breast of it, so that hon. Members might know what they had yet to pay for the relief of the local ratepayers, which would be far preferable to this system of annual doles, granted in a manner which was not approved of by the Chancellor of the Exchequer and many hon. Members on the Government side. He had observed that the Government Bills had precedence according to the amount of public money to be paid under them. Let them look at the Bills before the House at that moment. All the Local Government Bills were put together in a heap, although they did not press on very many of them. The Minister, like the hero of the old nursery rhyme, "put in his thumb, and pulled out a plum," now and again, like a good boy; but where was the Valuation Bill? It was shunted—it carried no money with it—it was run into a siding to let the Prisons Bill pass. Where was the Pollution of Rivers Bill? It carried no public money, and it was shunted to make way for the Prisons Bill. Where was the Highways Bill? Shunted to let the Prisons Bill pass. It had no money in it—nothing but an income tax Inspector to screw up the valuation—and therefore they did not push on that Bill, that the Prisons Bill, with its  $\frac{1}{2}$ d. in the pound, might be introduced, and pass safely on its way, a measure which was open, he considered, to very serious objections. He had no objection to the relief of local taxation, but he had, he thought, a right to ask the Government, "What is your policy with regard to local taxation?" If they had such a policy the House would

be grateful for some frank exposition of it, instead of seeing the Government introducing Bills the only tendency of which could be towards centralization, and that for the sole reason that the Government appeared to be unable otherwise to deal with local taxation. He put those views before the House, which, he submitted, were entitled to serious attention, both as regarded the interests of the ratepayers and the reform of their local institutions.

Mr. ASSHETON CROSS said, that one great advantage, at all events, had followed from the adjournment of the debate the other evening—they had got rid of all that had been so forcibly pressed upon the House by the hon. Member for Burnley (Mr. Rylands)—namely, that there had been great exaggeration on the part of the Government in stating their case against the present system of prisons. Hon. Members on both sides had had time since to refer to the facts stated in the Blue Books on the Table of the House, and had found that, so far from the statements of the Government being exaggerations, they were, if anything, practically within the mark, and the result had been that evening they had not heard a word from any opponent of the Bill to bear out that assertion. He was happy to say also that in the few days which had intervened since the adjournment of the debate they had got rid of another long-sounding and ugly word—the word confiscation. That word, which had formed the staple of the speech of his hon. and gallant Friend behind him, had that evening also totally disappeared. He had refrained from addressing the House on the former evening as he knew the debate was to be adjourned, but it was in reference to the word confiscation he was anxious to address them. The right hon. Gentleman the Lord Mayor had stated that the Bill was replete with centralization, and therefore it was that he (Mr. Cross) was glad he had since received and addressed a deputation on the subject of the Bill; and the right hon. Gentleman who had just spoken (Mr. Goschen) had taken the trouble to cut his speech to pieces, not by argument, but physically—the only way he could cut it up—and in reading the speech he was led astray by not having put the pieces together properly. It was not on the question of patronage he



wished to speak, as had been represented, but on the question of confiscation. When he said that the State would undertake the management of the prisons for the future, they declined totally to relieve those who at present held jurisdiction over the prisons of the obligation which rested upon them to provide gaols—every prison authority was bound by law to provide its own gaols for its own prisoners. The gaol might be provided in one of several ways. The local authority might build a gaol and pay for it, or they might build it and borrow the money to pay for it; or they could provide it by letting out the prison to some third person who would build it for them. But when a gaol was built it could never be used by the local authority for any other purpose than that of a gaol. They had no power to get rid of it. They could not sell it; and if with the consent of the Secretary of State they were allowed to pull it down, it was only on condition that they built another elsewhere, entirely to his satisfaction. Their obligation was permanent, and they could not get rid of it. But if the State stepped in and relieved them of what he had before called this white elephant, the State should have the use of it so long as they maintained the prisoners. They must have power to enlarge the prisons, and of adapting them to those particular plans which were best suited to carry out improved prison discipline. It was for that purpose the State required to have possession of the gaols. But they held them not as private property, but as a trust. The State would hold them for State purposes. The authorities at present held the gaols as trustees for State purposes, and so it would be in the case of the Secretary of State, who would hold them precisely for the same purposes and on the same trusts as they were now held, and when he ceased to do so he would have to restore them back on certain payments to the local authorities. That was not confiscation, but putting it precisely on its old footing. Although technically the property was transferred, the legal estate becoming vested in the Secretary of State, it was put on the same footing as that mentioned by the hon. Member opposite, when he said that the old gaols were practically vested in the Crown. They now re-

verted to that practice, holding them for like purposes and no other. The right hon. Gentleman who had just sat down certainly made a strong speech in answer to his right hon. Friend the Lord Mayor. For his part, he (Mr. Cross) was surprised at the statement of the right hon. the Lord Mayor; and he could not see anything more calculated to do harm in a matter of this kind, or to injure more those who were doing duty so well throughout the country, than to say that the office of a magistrate was not worth holding when such slight privileges and advantages as those to which the Lord Mayor referred were discontinued. How could that in any way lower the dignity of the office? As a magistrate of a good many years' standing, he could not see how the Bill threw the slightest slur upon the magistrates. His hon. Friend (Mr. Hardcastle) also, who represented a division of the county for which he (Mr. Cross) had the honour of sitting, said that where the magistrates were doing well the Bill did them injustice; where they were not doing well, the Bill threw a slur on them. He denied both of those assertions. He spoke for the magistrates of his own county, where the gaols were administered economically, efficiently, and with zeal for the public service. But that was not the question. The question was as to the managing the gaols from one end of the kingdom to the other. He ventured to say that, owing to the conflict of local jurisdiction which at the present moment existed, it was absolutely impossible for the magistrates, however good might be their intention, however hard they might work, to carry on prison jurisdiction effectually throughout the country. An hon. Member opposite (Mr. Pease) had said, "Why don't you accomplish your object in another way? Why not take further powers? Why not remove prisoners from one prison to another, and exercise the powers you have with regard to the amalgamation of the several gaol jurisdictions?" The answer to that was complete. The local jurisdiction, as at present constituted, would not allow him to do so. He might, no doubt, remove prisoners from one prison to another, but he had no power to compel another prison to receive them. He defied any Secretary of State to carry out an efficient system of prison disci-

*Mr. Asheton Cross*

pline if things were left as they were at present with regard to small gaols. It was not the fault of the men. He believed the justices did their utmost to secure efficiency and economy, but a staff which was necessary for a small prison with half-a-dozen or a dozen prisoners in it would serve for a very much larger number of prisoners. What was the result? In the first place, from want of actual duties to perform, the officers deteriorated; and, in the second, from want of a sufficient number of prisoners, they could not find proper instructors to teach them the work they ought to do. They could not have a proper system unless they had a total change from one end to the other. The right hon. Gentleman opposite (Mr. Goschen) said by this Bill they struck a great blow at local self-government. That he (Mr. Cross) entirely denied. When they talked of local self-government they thought of bringing up people independently to govern themselves. Did they mean to tell him that in the matter of prison discipline a single man besides the visiting justices had the slightest voice in the matter? The people had no voice in it. He did not say it was right that they should; he thought it would be very wrong if they had. But the local magistrates themselves had no power. Their hands were tied by the Act of 1865. The strictest rules were laid down under that Act in its Schedule; and, further, the visiting justices were subject to the quarter sessions, which had the power of making additional rules for their guidance. The power to make these rules was now to be vested in the Secretary of State, and the first thing he would have to do would be to draw up a code of rules for the guidance of visiting justices, who would exercise all the powers of managing prisons under those rules. It also had been said that the Bill interfered with the privileges of the municipalities, and would destroy their self-respect. But very few of the municipalities had separate gaols, and with reference to them, speaking of his own county, could it be thought of such towns as Preston, Oldham, Rochdale, and Warrington, that their self-respect and power of self-government were not just as great as any other town which had a gaol to manage? Towns like Bolton and Wigan,

which might have a gaol to-morrow if they chose, had never thought it necessary for their dignity or authority to go and build a gaol. They had wisely sent their prisoners elsewhere, and had no jurisdiction over them. This question had nothing to do with local self-government, and to tell him that the looking after 18,000 miserable prisoners was necessary to preserve the dignity of local self-government or the self-respect of local authorities, was really an insult to his common sense. What, then, was all this fuss, disturbance, and row about? They had at the present moment 28,000 people who were undergoing punishment in prison, of whom about 18,000 were in prison under the management of certain gentlemen up and down the country, and 10,000 were under the hands of the Government. Did any hon. Gentleman suppose that the dignity of the counties or of the towns or cities was infringed because a prisoner was sent to a convict prison and not to an ordinary gaol? He saw a statement the other day in a Welsh paper reporting a conversation between the grand jurors of a Welsh county. One of the grand jurors asked—"If this man gets six months' imprisonment, will the cost fall on the county or the State?" He was told it would fall on the county, when he said—"He had better not find a bill," and the grand jury then ignored the bill. Was a Judge to say—"If I sentence this convicted prisoner to five years' penal servitude I shall lessen the dignity of the mayor, who is sitting by me; and therefore I will send him to the county gaol?" Surely the principle of convict prisons had a direct bearing on this question; and if the monstrous argument which had been put forward were to be followed out to its logical result, the prisoners sent to penal servitude must be chargeable to local jurisdictions. He put the argument which he had just mentioned, therefore, out of the question, and the point to which he would specially direct the attention of the House was that Secretary of State after Secretary of State, though a Gaol Act had now been passed 10 years, found he was powerless to promote efficiency, uniformity, and economy. It was true, indeed, that in many counties and boroughs that Act had worked well; but in how many, he would ask, had it not failed? That was

not owing, as he had pointed out, to any want of willingness or ability on the part of the magistrates to do their duty, but to the impossibility of carrying out the Act because of the multiplicity of jurisdictions. The main features of the present measure ought then, he thought, to command the assent of the House and of the country, for under its operation we should be able so to classify our prisoners as to instruct them better when in prison in industrial labour, which would be of use to them when their period of confinement came to an end, and also secure that essential point, punishment by imprisonment; for when a man was sent to prison in a county for three months, it would make no difference whether the county were A or B, the punishment would be the same. He had been talking, he might add, to a very illustrious foreigner since the Bill had been introduced, who had said to him—"I observe, Mr. Cross, you stated that in different counties men sentenced to undergo three months' imprisonment are subjected to totally different treatment. Is not your law the same throughout the length and breadth of England?" His reply was—"Nominally, yes; but, practically, no, because three months' imprisonment in my own county is a very different thing from the same period of confinement in another." It was, then, for the purposes of securing uniformity of discipline, diet, treatment, and the classification of prisoners mainly that the Bill was proposed. The right hon. Gentleman the Member for the City of London (Mr. Goschen) had been good enough to raise a laugh at his expense by referring to something he was supposed to have said the other day; but the right hon. Gentleman was entirely mistaken as to what fell from him on the occasion to which he alluded. He believed it was absolutely necessary that all the superior officers in our prisons should be appointed by the Secretary of State; but he cared very little about the inferior posts, for it was very likely that persons living in a locality might know a great many who would be fitted for the inferior posts, and it would be a great advantage that an officer who had served well in a gaol should not be confined to the gaol for the whole of his life, or until he was superannuated, but that he should have the chance of being

promoted in case a vacancy occurred to a larger gaol, and in that way reap the benefit of his good conduct. Therefore the officers would gain largely by the Bill. But the right hon. Gentleman said—"We want to know whether this is the end of all things?" The right hon. Gentleman was like a celebrated clergyman who always set up a man in the pulpit for the purpose of knocking him down. From the beginning to the end of his speech the right hon. Gentleman made observations which proved that he had not read the Bill at all. [Mr. Goschen: I read the clauses.] It was true the right hon. Gentleman read the headings of the clauses in the index, which were not part of the Bill, and therefore he (Mr. Cross) was strictly correct in saying that the right hon. Gentleman never dealt with the Bill. The right hon. Gentleman summarily dismissed this question of the gaols, because he knew he was treading on delicate ground. Every hon. Member in the House felt that, although a great deal had been made of the question of centralization, the right hon. Gentleman himself did not really think there was much centralization in the matter after all that had been said. But in order to impress upon the House the arguments which he would have used if the Bill had been one of centralization, the right hon. Gentleman said—"I will tell you what you are going to do. If you pass this Bill, it will be necessary to have the police under the control of the Government." Then some hon. Member cried—"Hear, hear," whereupon the right hon. Gentleman said—"I call the Chancellor of the Exchequer's attention to that cheer;" and so the right hon. Gentleman starting off again said—"When the Government have got the police just think what a blow that will be when we see the policemen walking up and down every town all over the country and hear people say, pointing to them—"Look here, those are not our own men now, but they are Government officers that have come down as spies." Thus, the right hon. Gentleman had described a state of things that had no real existence. The right hon. Gentleman did not want to convince him (Mr. Cross), because he knew he could not do so. There was no ground whatever for that line of argument; and the right hon. Gentleman seemed to adopt it only

*Mr. Ascheton Cross*

because he was not able to press the danger of centralization, confiscation of the gaols, or the fatal results to the magistracy. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had pointed out, with his usual acuteness, that if the prisoners had any grievances they would lose their present right of appeal through the visiting justices. But they would really not do so. In introducing the Bill he (Mr. Cross) had stated, and now repeated, that if the gaols were to be in the hands of the Secretary of State it was absolutely necessary there should be a body of independent justices who should be able to look after the interests of the prisoners. This was precisely what the visiting committee would do under the Bill, and what any body of English gentlemen would gladly do. There would be vested in the visiting justices all the powers of Sections 58 and 59, but the diet tables and other like matters would be settled by the central authority, and the visiting justices would see that the regulations thus laid down were properly carried out. That would be their position, and he was sure they would accept it. He had now explained the main grounds upon which the Government based the Bill, which, as he submitted, struck no blow at local self-government, or at the duties of the magistrates, but, on the contrary, showed every wish to recognize what the magistrates had done and would do. The Government were of opinion that the Bill involved no question of centralization, while it offered the greatest possible advantages in securing greater efficiency, greater economy, and better discipline. In order to arrive at these results it was imperatively necessary that the Government should have possession of the gaols. The right hon. Gentleman complained that he had placed on the Table no statistics as to the advantages and economy of the Bill. But such statistics had really been on the Table for years. They were contained in the Blue Books relating to prisons, which showed what the cost would be, and might be made to be, by proper classification. From the reports of the proceedings at quarter sessions, it was clear that the magistrates, as a body, did not think the Bill a slur upon them. If ever a Bill had gone through a severe ordeal it was this measure, which, in the middle of a debate, before

the responsible Minister had spoken, and without any thorough discussion in the House of Commons, had been discussed by the visiting justices and courts of quarter sessions throughout the country; and any person who read the resolutions adopted at these sessions must come to the conclusion that the magistrates did not see the dangers which had been pointed out as the result of the Bill. Those resolutions contained no word of confiscation or centralization; they merely claimed a little more power for the visiting justices. If, on the other hand, hon. Members looked at some of the municipalities which had memorialized the Government at the Boards of Guardians and the Chambers of Agriculture, they would find a unanimous opinion in favour of the present measure. In conclusion, he would express a sincere hope that the House would not only read the Bill a second time, but that it would consent to pass through all its stages a measure which, in his opinion, and he believed in the opinion of the magistrates also, would prove to be of great advantage to the country.

MR. CHILDERS said, he had carefully read the Bill, and would point out what it really did. It transferred from the different courts of quarter sessions that were not overpressed with work to the Secretary of State, who was so overpressed with work that he did not know where to turn, the charge of above 100 prisons and 18,000 prisoners. Moreover, as if we had not enough public Departments already, it created a new public Department, with five Commissioners, he knew not how many assistant Commissioners, and a large body of Inspectors. Within the last few years two important measures had been passed on the subject of prison discipline. In 1863 a measure relating to penal servitude was introduced after a careful inquiry by a Royal Commission, of which he was a Member. That Bill made slight changes in comparison with those which would be effected by the present measure. In the following year a Bill was brought in relating to the prisons dealt with by the measure now under consideration. That also was considered very carefully by a Select Committee before it was allowed to pass, although the changes it effected were not great. But the present Bill was introduced late in

outside the measure itself. He trusted that the House would consider the Bill on its merits. Upon what did it rest? It might be considered in its economical and administrative aspects, and one could not be dissociated from the other. The right hon. Gentleman opposite (Mr. Childers) had challenged him to say that the Bill would be productive of very great economy, and to discuss the savings that might be effected. But at that hour of the night he would not again go over the statistics, and the question did not rest on statistics. The economy did not depend upon the £100,000, or whatever the sum might be, which it might be thought would be saved, but upon the introduction of a system of administration which was in its nature more economical than that which had hitherto prevailed. If he might recall a saying of his right hon. Friend at the head of the Government which was much applauded at the time, and had often been quoted since, it was one of those cases in which "expenditure depended upon policy." And if they desired that prison discipline should be effective and under economical management, they had better get rid of the complications and difficulties that had led to the introduction of this Bill. The question of prison discipline had been under the consideration of Parliament for many years. There had been Select Committees and discussions in that House, and they were not approaching a new and untried subject. It was, therefore, the less necessary that, at the end of these discussions, the House should take further time to consider a Bill that was the outcome of what had gone before, and the principle of which had met with general approval. The great matter was to be able to carry out a system of prison administration with economy. The Government did not say crime was increasing and that the measure was required to repress it. On the contrary, the improvements of late years in prison discipline had tended to reduce crime, and the Government now proposed to take a step further in that direction. Nothing was more conducive to the repression of crime than certainty of punishment and uniformity of punishment. And nothing was more likely to bring about that state of things than central action, which could most effectively bring the system into harmony. Well, admitting that central action in

such matters was the best, the magistrates, if charged by the Government to carry it out, would be in a most embarrassing position with respect to the ratepayers at whose expense the change was to be made. He knew from his own experience how frequently it happened that magistrates saw the necessity of some improvement, but refrained from carrying it out, because the ratepayers whose pockets were to suffer had no voice in the matter. He remembered sitting as chairman of quarter sessions when there was an even division, and he gave the casting vote against the expenditure, not because he thought it unnecessary, but in order that the question might be reconsidered. Some persons said—"Bring in the ratepayers to have a voice in the expenditure." Did the Government think that ratepayers would furnish them with the best system? Would it be wise to give the ratepayers control over prison management? There, to his mind, lay the whole question. If bodies elected by the ratepayers could be safely entrusted with that business well and good. But if, as the Government believed, that was a matter of administration which ought not to be left to bodies of that kind, the only resource was to treat it from the point of view of the central Government, which was what the Bill proposed to do. He believed this system would greatly hasten and facilitate reform in prison administration, and indeed in the local administration of the country generally. The Government, he might say, were desirous as far as possible in connection with this subject to avail themselves of the assistance of the local magistrates, whose patriotism and public spirit he was sure would not be found wanting. In matters connected with administration, it was the earnest wish of the Government to facilitate and not impede their proper and useful action. He believed that that proposal of the Government was one which would have for its primary effect a great improvement of the prison discipline and the penal system of the country; secondly, that it would greatly facilitate the improvement of our system of local administration; and, thirdly, that it would take a very important step towards the settlement of the question of contributions to local burdens. The right hon. Gentleman the Member for Pontefract had done injustice to his (the Chancellor

*The Chancellor of the Exchequer*

lor of the Exchequer's) former statements on that subject. He had never said that that matter was not within their purview. What he stated in 1874 was that the Government then proposed as much as they could at that time propose in regard to two or three of the subjects embraced in the Resolution of the hon. Baronet the Member for South Devon (Sir Massey Lopes), and he remembered in that Session pointing to reasons, not merely of a financial character, why they should put off dealing with the administration of justice, because inquiries were then going on for the result of which it was desirable to wait. Certainly, last year, when speaking of the expenses of prosecution, he said that was a point to which they were looking, and it never had been out of their consideration. It was a measure which had not been casually taken up and introduced, and when it was asked why they gave precedence to it over others which had been introduced before it, he answered because it had been mentioned in the Queen's Speech, while other Bills had not, and therefore it formed part of their programme of legislation for this year. He hoped the Government had dealt fairly and frankly with the House in that matter. The explanation of the measure lay on the face of it, and the Government were not actuated in regard to it by any desire of grasping at power, still less was it their intention to cast any reflection on a class of gentlemen who had rendered valuable services to the country, and if any further vindication besides that already given had been wanting for that measure, it would have been found in the arguments of those who opposed it.

SIR THOMAS CHAMBERS moved the Adjournment of the Debate.

MR. WHALLEY seconded the Motion.

Motion made, and Question proposed, "That the Debate be now adjourned."  
—(*Sir Thomas Chambers.*)

MR. DISRAELI said, he was sorry that the hon. and learned Common Serjeant had made that Motion, for he could not help thinking it was somewhat unreasonable. Considering that the second reading of the Bill had now been discussed for two nights, and, that night especially, with great variety and vigour on both sides, he thought the question had been fairly exhausted. Moreover,

at that period of the Session they must feel as practical men that the Motion for further adjournment was not justified, and therefore he must give it his opposition.

MR. RYLANDS appealed to the Government to agree to the Motion, as many hon. Gentlemen on both sides were still anxious to speak, and it was only reasonable they should have the opportunity.

MR. NEWDEGATE supported the Motion for Adjournment. He contended that the discussion was by no means exhausted.

THE MARQUESS OF HARTINGTON said, if he could regard this Bill as the right hon. Gentleman the Home Secretary regarded it, mainly as a departmental measure, he should be entirely disposed to agree with the right hon. Gentleman at the head of the Government that it had been fully discussed. But he was of opinion that this Bill raised very important questions besides those departmental questions to which the Home Secretary had referred. Those points had, he thought, been very ably laid before the House by his right hon. Friends the Member for the City of London and the Member for Pontefract. He thought those points had scarcely received sufficient attention from the Government or from hon. Members who had addressed the House on this subject. He was therefore very much disposed to think that the discussion which the measure had received was inadequate, and that the House would do well to consider it further before giving it a second reading. He was disposed to think that it would be perfectly impossible at that period of the Session that the measure could receive the attention which it ought to receive, looking at the various important subjects which it opened up, and that the Government and the House would do well to come to the determination not to proceed with it that Session any further. For those reasons, though he should be sorry to enter into a conflict with the Government, yet if his hon. Friend should proceed to a division on his Motion for Adjournment he should be disposed to support him. When the Motion of the hon. Member for Burnley (Mr. Rylands) was put from the Chair, he admitted that he should give his vote with some doubt and hesitation, for though he agreed thoroughly in a great

many of the objections that had been taken on that (the Opposition) side of the House, he was disposed to admit that there was a good deal in the Bill which possessed considerable merit. He thought, however, the Bill dealt with a most important subject in a very fragmentary manner. He must repeat, that as he did not think the subject could receive that Session the attention which it ought to receive, the Motion for Adjournment was one that he could vote for without any doubt whatever. If that Motion were negatived, he should be obliged to vote, although with some doubt, for the Motion of the hon. Member for Burnley.

Question put.

The House *divided*:—Ayes 122; Noes 298: Majority 176.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. MITCHELL HENRY said, he would move the Adjournment of the House. His reason for doing so was that the Bill was to be followed by one of a similar character for Ireland, and experience had shown them that the discussion of the question would be taken altogether on the English Bill. As an Irish Member, and having had some experience as a magistrate in county business, he had insuperable objections to the Bill, and wished to have an opportunity of stating them.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Mitchell Henry.*)

MR. DISRAELI said, after the significant majority against the Adjournment he hoped the hon. Member for Galway would not persevere with his Motion. He had certainly given a rather fanciful reason for proposing it. He (*Mr. Disraeli*) could not recall an instance of the kind where an Irish Bill was not fully discussed, because a similar measure relating to England had already been considered. The House having by an almost unprecedented majority expressed its opinion, he hoped they would be allowed to proceed to a decision on the second reading.

THE MARQUESS OF HARTINGTON also hoped that the hon. Member for Galway would not press his Motion for the Adjournment of the House. He (the

Marquess of Hartington) had himself voted in the minority just now, not from a wish to oppose any factious opposition to the Government proposal, but merely to give effect to his view that such a measure as that should not be proceeded with at that period of the Session. He did not think that any large number of those who voted in the minority were opposed in principle to this Bill, which contained many excellent provisions. He, therefore, trusted that the hon. Member would withdraw the Motion. It would be for the Government to consider, after the Bill had been read a second time, whether the time remaining at their disposal would enable them to pass the measure in the present Session.

MR. RYLANDS joined in the appeal of the noble Lord to his hon. Friend the Member for Galway to withdraw his Motion for Adjournment.

MR. MITCHELL HENRY said, he would accede to the request; but, at the same time, he must say that he had moved the Adjournment of the House at the instance and request of the hon. Member for Burnley (*Mr. Rylands*) himself.

Motion, by leave, *withdrawn*.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 295; Noes 96: Majority 199.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for Monday 17th July.

CUSTOMS LAWS CONSOLIDATION BILL  
(*Mr. Raikes, Mr. William Henry Smith, Mr. Chancellor of the Exchequer.*)

[BILL 154.] COMMITTEE.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Debate arising.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Dillwyn.*)

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Bill *considered* in Committee, and *reported*; as amended, to be considered upon Thursday.

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## KERS' BOOKS EVIDENCE BILL.

*n Lubbock, Mr. Backhouse, Mr. Sampson  
Lloyd, Mr. Watkin Williams.)*

BILL 205.] CONSIDERATION.

as amended, *considered.*

ndments made.

ndment proposed, in page 1,  
, after the words "chapter thirty-  
to insert the words, "and any  
bank certified under the Act of  
—(*Sir John Lubbock.*)

tion proposed, "That those words  
e inserted."

ndment, by leave, *withdrawn.*

on made, and Question proposed,  
the further Proceeding on Con-  
ion, as amended, be now ad-  
l."—(*Mr. Onslow.*)

on, by leave, *withdrawn.*

r Amendments made.

to be read the third time upon  
ay.

## PENSIONS COMMUTATION BILL.

tion [June 30] *reported.*

t it is expedient to exempt certain Offi-  
the Army on Half-Pay retiring under  
gulation of the Forces Act, 1871,' from  
ation of the tenth section of 'The Pen-  
mutation Act, 1871.'"

tion *agreed to*: — Bill *ordered to be*  
in by Mr. RAIKES, Mr. Secretary  
and Mr. WILLIAM HENRY SMITH.

## VICT PRISONS (RETURNS) BILL.

otion of Sir HENRY SELWIN-IBBETSON,  
amend the Law respecting certain  
from Convict Prisons, *ordered to be*  
in by Sir HENRY SELWIN-IBBETSON and  
retary Cross.

*resented*, and read the first time. [Bill 227.]

House adjourned at half  
after Two o'clock.

## HOUSE OF LORDS,

*Tuesday, 4th July, 1876.*

ES.]—PUBLIC BILLS—*Second Reading*—  
dly Societies Act (1875) Amendment \*

ee—Union of Benefices (147).

*Committee — Report*—Metropolis (Whitechapel  
and Limehouse) Improvement Scheme Con-  
firmation (120).

*Report*—General Police and Improvement (Scot-  
land) Provisional Order (Lerwick) \* (122).

*Third Reading*—Small Testate Estates (Scot-  
land) \* (115); Local Government Board's  
Provisional Orders Confirmation (Carnarvon,  
&c.) \* (105); Slave Trade (135), and *passed.*

## UNION OF BENEFICES BILL.

(*The Lord Bishop of Exeter.*)

(NOS. 64-147.) COMMITTEE.

Order of the Day for the House to be  
put into a Committee, read.

THE BISHOP OF EXETER, in moving  
that the House do now go into Com-  
mittee on the Bill, reminded their Lord-  
ships that it had been referred to a Select  
Committee, by whom it had been re-  
turned with important alterations which  
he thought would make it more accept-  
able—especially in respect of the in-  
creased representation of the parishioners  
on the commission. There was also a  
new clause in lieu of Clause 19 (Site of  
any Church to be sold to be first offered  
to Town Council), which applied the  
machinery of Provisional Orders by the  
Secretary of State, to be confirmed by  
Act of Parliament, to the sale of the site  
of any church pulled down. He hoped  
their Lordships would pass the Bill, as  
amended, through Committee.

THE EARL OF LIMERICK appealed  
to the most rev. Prelate whether, at that  
advanced period of the Session, he could  
hope to carry through both Houses of  
Parliament this year a Bill of consider-  
able importance in a form very different  
from that which it bore on the second  
reading.

*Motion agreed to*; House in Committee  
accordingly.

Clauses 1 to 17, inclusive, *agreed to*,  
with Amendments.

Clause 18 (Scheme may provide for  
erection of new Church or parsonage,  
removal of old Church, sale of site,  
&c.).

THE MARQUESS OF SALISBURY, in  
answer to a noble Lord who objected to  
the clause on the ground that it involved  
the desecration of consecrated places,  
said, he had some slight responsibility  
in that matter. He entirely agreed with  
the noble Lord in his dislike to the sale



of those sites, on the ground that it was a blow to that reverence for the dead which still existed among us, and which it was desirable to preserve. In the Select Committee he had therefore made a Motion the effect of which would have been to prevent the sale of sites; but when they came to a division upon it the Committee was equally divided, and therefore by the technical rule the decision was against him. But in that division he found against him two noble Lords on his own side of the House who were both earnest and distinguished Churchmen. In the circumstances, knowing how the Committee was composed, it was evident to him that in some form or other the dominant feeling of their Lordships' House would be in favour of permitting, under whatever safeguards and restrictions, the sale of sites. As the law now stood, any one could introduce a Private Bill into Parliament to authorize the sale of the site of a church which had been pulled down. The Bill, as altered by the Select Committee, substituted the Provisional Order for the Private Bill; and as the clause provided that under the new system all such sales were subject to all the checks and safeguards formerly required—such as the consent of the Bishop and of the Home Secretary, he conceived that if such sales were to be permitted at all it would be impossible to surround them with greater precautions.

Clause agreed to.

Clause 19 agreed to.

Clause 20 (Site of Church pulled down may be sold under Provisional Order of Secretary of State, confirmed by Act of Parliament), *agreed to.*

Clauses 21 to 31, inclusive, *agreed to.*

Clause 32 (Union of Benefices elsewhere than within any city or municipal borough).

THE MARQUESS OF SALISBURY explained that the Bill would extend the union of benefices from boroughs to counties, or to benefices one of which was situated within the borough, the other in the county. The Bishop must consent to a scheme for a union of county benefices, and there would be a commission, as in the case of a borough. On

*The Marquess of Salisbury*

that commission would sit two laymen selected by the vestries of the two benefices which were proposed to be united, and a third layman would be appointed by the chairman of the quarter sessions of the county. The majority on the commission would consist of laymen appointed by those who were interested in the matter. The evil which this Bill proposed to remedy was one very familiar to many of their Lordships. It was the case of a rich living outside a town, from which probably under the action of the old system of Poor Laws all cottages had been got rid of, and of a poor living inside the town with a large and poor population. The Bill proposed that in such a case the rich benefice should be combined with the contiguous benefice. He was of opinion that the guards proposed by the Bill against abuses were quite sufficient.

Clause agreed to.

Remaining clauses agreed to.

The Report of the Amendments to be received on *Monday* next.

METROPOLIS (WHITECHAPEL AND LIMEHOUSE) IMPROVEMENT SCHEME  
CONFIRMATION BILL—(No. 120.)

(*The Lord President*).

COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

THE EARL OF SHAFTESBURY said, he did not interpose for the purpose of delay or of moving any Amendment in the Bill before them—he rejoiced to see it, and heartily approved the alterations introduced by the Secretary of State upon the scheme as propounded by the Metropolitan Board of Works. But as this was the first Bill of a long series which would come before the House for the improvement of the dwellings of the working classes, he desired to make an observation on the provisions of it. First, he desired to press upon the promoters of the Bill the necessity of making provision for those who were ejected from their dwellings while the improvement was in progress—without first ascertaining whether there was sufficient accommodation for them in the neighbourhood. This was a great evil. Since he first brought the subject

to the attention of Parliament, 24 years ago, probably not less than 1,000,000 of persons had been turned out of their holdings in consequence of metropolitan improvements—he himself had witnessed the misery caused thereby. Now this might be avoided if they adopted the plan pursued in Glasgow. He was acquainted with that city before it was improved, and having recently visited it, he could say that it was improved in a manner and to an extent which he had witnessed in no other city. Well, that great municipality had made very extensive improvements, and in no case did they remove the people until they had ascertained that there was lodging room for them all within easy distances. Now, if they were to proceed on the principle of entirely new construction in every case (putting aside altogether the improvement and adaptation, when possible, of existing tenements—a system far better suited for convenience and economy to the poor) the erection of houses in blocks, ugly and inconvenient as they were, seemed to be unavoidable, so great was the value of the land in London. They were to rise to heights of even five stories. This, again, might be unavoidable; but then there should be on every storey everything that could be required; water should be laid on, and a dust-bin provided on every floor, for if these poor people had to go up and down these high flights of stairs for these accommodations, it amounted to real infliction and infinite toil. Now this by the Bill was provided for each block, but not for each storey. Health and cleanliness imperatively demanded an amendment to that effect. In the distribution and character of the holdings the Secretary of State had acted with much judgment and consideration for the poorer classes. His scheme stood thus:—Provision was made for 3,870 persons in 888 tenements, consisting of 121 single-room, 650 double-room, and 117 three-room tenements, each room being constructed for the accommodation of 2·5 persons. This was a mighty improvement on the plan of the Metropolitan Board, which was very objectionable. Some single rooms were unavoidable—indeed, they were necessary; but here a difficulty arose—if the numbers in each room were to be limited according to the proportions laid down in the scheme, the expense of living in

them would be far beyond the means of the poorer classes, and if they were not limited, we should have a repetition of all the moral and physical evils of overcrowded apartments. Therefore, unless they had single rooms at moderate rents poor families must be crowded into unhealthy lodgings. There was a very large population in this metropolis who lived from hand to mouth, and who earned wages averaging not more than from 12s. to 14s. a-week, and of course it was impossible for them to pay 5s. or 6s. a-week for their tenements. It was not easy to see their way out of these embarrassments. Doubtless the best had been done. But he must revert to what was really practicable, and which would tend to moderate, to a great extent, the troubles and losses of displacement. Long and ample notice should be given to the inhabitants; by ample he meant something beyond the mere legal notice—every one should be made acquainted with it. The demolitions should be gradual; not more than 500 persons should be removed at one time, nor until it had been ascertained that adequate lodging was to be had in the neighbourhood. The modern systems of displacement in London had increased the evil that many wished to remove. The people had been driven into houses which already contained more than their due; and the suburbs had begun to be as crowded and filthy as the interior of London itself. With these precautions immense good might be done. The law would effect a revolution—a revolution as beneficial as ever was effected among 4,000,000 of people.

THE DUKE OF RICHMOND AND GORDON said, he was glad to have the advice of one who was so well acquainted with this subject, and who was so greatly interested in providing dwellings of an improved character for the poorer classes as the noble Earl. All the topics which the noble Earl had brought forward should be carefully considered, and as far as they were practicable, his suggestions should be adopted. If this measure were properly carried out, it would prove a considerable boon to the working classes.

House in Committee accordingly; Bill reported, without Amendment, and to be read 3<sup>d</sup> on Thursday next.

## SLAVE TRADE BILL—(No. 135.)

(The Marquess of Salisbury.)

## THIRD READING.

Order of the Day for the Third Reading, read.

THE MARQUESS OF SALISBURY, in moving that the Bill be now read a third time, said, there seemed to have been a strange misconception last evening in the mind of the noble Earl who was recently Governor General of India (the Earl of Northbrook) in reference to this Bill. The noble Earl stated that the present Bill had not been referred to the Government in India, which was perfectly correct; but he also appeared to be under the impression that the substance of the measure had not been considered by the Indian Executive. The truth was that, substantially, the proposals contained in the Bill were suggested by the noble Earl himself, and the Papers which he proposed to lay on the Table of the House would show that this was the fact.

On Question? *Resolved in the affirmative.*

Bill read 3<sup>d</sup> accordingly, and *passed*, and sent to the Commons.

## OWNERS OF LAND (IRELAND)—THE NEW "DOMESDAY BOOK."

## QUESTION. OBSERVATIONS.

THE EARL OF BELMORE, in asking the Lord President, If the type of the Return of Owners of land in Ireland is still standing; and, if so, whether any steps can be taken to amend the inaccuracies in the Return? said, the names of persons had been inserted as owners though they were merely trustees of property; and in other cases persons had been defined as owners in fee though they merely held leases for 99 years, or were renewable, or were rent-charges. He thought that the definition of owners would lead to many mistakes. There were errors in the case of his own property. If the book was intended to be of any real value the numerous inaccuracies should be corrected, and if the type were not broken up that might be done without any very great cost. He

should be glad to hear that the type had not been broken up, and that the errors could be corrected.

LORD SELBORNE, referring to the Returns of owners of land in England, said, he could hardly conceive a document of less value. It was full of mistakes, instances of which the noble and learned Lord pointed out.

EARL GRANVILLE said, that in his own case he was put down as owning 600 acres of agricultural land in Staffordshire, and that he derived an income from it of £10,000 a-year, or £16 an acre rental, which was certainly the highest rental for such land that he had ever heard of.

THE MARQUESS OF SALISBURY was understood to say that in his case the Return was altogether erroneous; but it was not surprising that there should be inaccuracies, for there was the greatest difficulty in getting the Returns, and very often they had to be got as they best could from vestry clerks and other parish officers not of the most educated class.

LORD BLACHFORD said, it was the same as regarded himself.

THE DUKE OF RICHMOND AND GORDON regretted extremely that the Irish Return was inaccurate; but from what they had just heard it was not singular, as the same injustice had been perpetrated in regard to the Return for England as for Ireland. The type had not been broken up; but he understood that it would be inconvenient to correct the Blue Book as it now stood. It was now proposed, after some time had elapsed and all the errors had been brought to light, to print an addendum, showing the corrections which had been made.

THE EARL OF LIMERICK said, that there could be no doubt that there were very great inaccuracies in the Return for Ireland, and he referred particularly to the Return for his own neighbourhood.

House adjourned at a quarter past  
Six o'clock, to Thursday next,  
half past Ten o'clock.

# HOUSE OF COMMONS.

*Tuesday, 4th July, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Pensions Commutation Acts Amendment \* [230]; Local Loans (Ireland) \* [231]; Ecclesiastical Offices and Fees \* [232].

*Second Reading*—Bishopric of Truro [185], *debate adjourned*; Trade Marks Registration Amendment \* [217].

*Committee*—Appellate Jurisdiction [111], *debate adjourned*; Medical Act (Qualifications) [170]—R.F.

*Committee—Report*—Public Works Loans [202-228]; Parliamentary and Municipal Registration (Boroughs) \* [108-229].

The House met at Two of the clock.

## VACCINATION ACT — BOARDS OF GUARDIANS.—QUESTION.

SIR CHARLES FORSTER asked the President of the Local Government Board, Whether his attention has been called to the case of W. Sampson Benton, against whom proceedings have been authorised by the Guardians of the Walsall Union, after six previous prosecutions for non-compliance with the Vaccination Act; and, whether he considers such repeated prosecutions to be in accordance with the instructions contained in the letter addressed by the Board to the Guardians of the Evesham Union on the 17th of September last?

MR. SCLATER-BOOTH, in reply, said, his attention had not been officially called to the case referred to by the hon. Member; but his attention had been recently drawn to cases of a similar character where repeated prosecutions had been instituted by the Guardians for non-compliance with the Vaccination Act. On a former occasion, he had placed on the Table a Letter which he caused to be sent to the Guardians of the Evesham Union last year, and which laid down the policy of the Local Government Board on this subject. It was difficult for him to say, as he had not the exact facts before him, whether the conduct of the Guardians of the Walsall Union was in accordance with the directions of the Board; but under the Act of Parliament it was absolutely necessary that the final discretion in these matters should be left to the Guardians, and it would not be proper for a Government Department to

issue authoritative directions as to what the procedure should be. It did seem to him to be unfortunate that repeated prosecutions occurred in so many cases, and the Local Government Board had suggested to the Guardians that after having procured two convictions under the Act, they should consider whether under the circumstances of the case they were likely by repeated prosecutions to ensure the vaccination of the child. If that was likely to be the result, no doubt further proceedings should be taken, but whether the Guardians were justified in the present case depended on the circumstances.

## UNITED STATES—EXTRADITION—CASE OF CALDWELL.

### QUESTION.

SIR WILLIAM HARCOURT asked the Secretary of State for the Home Department, Whether he will lay upon the Table the Correspondence which passed between the English Government and the Government of Canada on the subject of the extradition of Caldwell in the years 1870-71, who was indicted in the United States for an offence different from that in respect of which he was surrendered; and, when the recent Despatches and Correspondence with reference to the extradition of Winslow will be laid on the Table?

MR. ASSHETON CROSS, in reply, said, that the Question having only appeared on the Paper that morning he had not had the opportunity of consulting the Secretary of State for the Colonies upon it; but no doubt any Correspondence which had taken place between our Government and the Government of Canada on the subject would be laid on the Table. He believed that the Papers relating to Winslow's case had either been laid on the Table, or would be in the course of that day or to-morrow.

## TURKEY—THE EASTERN QUESTION—THE PAPERS.—QUESTION.

MR. FAWCETT asked the First Lord of the Treasury, Whether he can name a time within which he believes he shall be able to lay upon the Table of the House the Papers he has promised to produce in reference to the Eastern Question?

to be made in the office staff of the Irish Education Board; if one of the secretaries is to be abolished; and, if so, which one; if the office of accountant is to be abolished; and, if so, how are its duties to be henceforth provided for; and, whether a communication from the Treasury in reference to these or other changes was addressed to the Lord Lieutenant of Ireland on or about the 15th of April last; and, if so, whether there is any objection to laying a Copy of that communication on the Table of the House?

SIR MICHAEL HICKS-BEACH, in reply, said, that owing to circumstances which indicated the existence of grave defects in the management of the details of financial administration under the Commissioners of National Education in Ireland, the Treasury had, in the Spring of this year, suggested certain alterations in the office Staff of the Commissioners. Those suggestions had been forwarded to the Board of Education for their consideration. As they were still under the consideration of the Board it was not desirable for any correspondence to be produced at present, or for any further statement to be made concerning them; but he might mention that they did not include the abolition of the office of one of the secretaries.

PUBLIC WORKS LOANS BILL.—[BILL 202.]

(*Mr. Raikes, Mr. William Henry Smith, Mr. Chancellor of the Exchequer, Mr. Sclater-Booth.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. W. H. Smith.*)

MR. SCLATER-BOOTH: I will take this opportunity of making the Financial Statement with respect to local income and indebtedness which my right hon. Friend the Chancellor of the Exchequer promised that I would make on the second reading of the Bill. Before I do so I will state that the object of this Bill is to authorize the Treasury to place funds at the command of the Public Works Loans Commissioners to enable them to meet the demands made upon them by the local authorities during the current financial year. The Act of last Session was to provide that the local

authorities should give notice before the 31st of December, 1875, of the sums they would probably require from January 1, 1876, to March 31, 1877; and a Parliamentary Paper has been circulated within the last few days stating that the total sum with respect to which notice was given amounted to a very large figure, more than double that which the present Bill seeks to place at the disposal of the Commissioners. Nevertheless, hon. Gentlemen will observe that the Estimate has been framed by the Treasury after six months' experience of the total period to which the applications related. The Treasury know how much was required or how little between January 1 and March 31 in the last financial year, and we have now passed through the first quarter of the current financial year, and have therefore the best reason for knowing that £4,000,000, which the Bill proposes to place at the disposal of the Commissioners, will be amply sufficient to meet the requirements of the case. On this first occasion, when the local authorities were asked to send in their estimates, perfect accuracy could hardly be expected. What I propose now to do is to make a short statement, showing the indebtedness of the local authorities and their current expenditure. As regards local indebtedness, I do not propose going further back than the year 1872-3. Previous to that time certain local authorities were required to make various financial Returns, which were made partly to the Home Office and partly to the Poor Law Board, and there was no obligation whatever to return the amount of outstanding loans. When Sir George Lewis was at the Home Office in 1860 he brought in a Bill, in which provision was made for returns of the expenditure of local authorities, but not as to outstanding liabilities, and although, in point of fact, some information had been received under that head, there was no means or opportunity of classifying or analyzing the accounts properly. In 1872 various incidents occurred which render that year important as the commencement of a new system. The duty of collecting these Returns was transferred, to the Local Government Board exclusively, and an identification of functions and duties took place between the Urban Sanitary Authorities and Muni-

*Mr. Sullivan*

icipal Town Councils which led to the clearing up of difficulties. In 1873 my hon. Friend who is now Secretary to the Local Government Board (Mr. Salt) procured a Return which shed a good deal of light on the indebtedness of the local authorities; and my hon. Friend the Financial Secretary to the Treasury (Mr. W. H. Smith) also procured some valuable and comprehensive Returns. These, together with the information collected by the Department, furnished the foundation of the statement made in 1873, that the local indebtedness of the country at that time amounted to £72,000,000. About 12 months later the Return was made at £84,000,000; and according to the Returns obtained during the last few weeks the total amount of indebtedness at the present time might be set down at £92,191,281. But these figures require considerable correction before it can be assumed that the difference between them represents the addition to local indebtedness between the three years referred to. In 1873 the outstanding loans which were returned amounted to £72,000,000; but subsequent information has shown that large sums of money were not included, which we now know ought to have been included. For instance, from Liverpool there was owing £2,200,000, which was not included in the Returns, from Manchester, £2,300,000, from Blackburn, £300,000, and from Oldham, £500,000, and from other places sums making a total aggregate of £8,000,000 which had been omitted, so that the total aggregate for 1872-3 should have been £80,000,000, instead of £72,000,000. In 1873-4 the Return of outstanding loans was given as £84,000,000, and for reasons similar to those which I have just adverted to, there should be added to that figure the sum of £1,500,000, so that the correct total of last year would be £85,500,000. From that total we have the sum of £5,500,000 to be accounted for as the net increased amount of indebtedness for that year, within which about £3,000,000 of loan would have been paid off. The information and Returns we have from other sources show that there was received during that year, of borrowed money, £8,173,000. The chief item of which this amount is made up is a sum received by Town Councils and Urban Sanitary Authorities, £3,500,000; the Metropolitan Board of Works, £1,500,000; Harbour Authori-

ties, £1,500,000 — making a total of £6,500,000. The difference probably consists of sums borrowed under existing powers, which had not been fully availed of. Up to the present time the amount of indebtedness may be taken at £92,500,000. Deducting from that the corrected Return of last year—namely, £85,500,000, we have an apparent difference of £7,000,000, but to that should be added £4,000,000, which may be estimated as the amount of loans paid off during 1874-5, and this would show a difference of £11,000,000 as compared with the indebtedness of last year. The amount raised on loan in 1874-5 was about £11,500,000, which was for the most part thus distributed—Town Councils and Urban Sanitary Authorities, £5,000,000; School Boards, £1,500,000; Metropolitan Board of Works, £2,500,000; and Harbours, £1,500,000—making a total of £10,500,000. Thus the increase on the net indebtedness, after deducting the repayments, between 1872-3 and 1873-4 was £5,500,000, and the similar sum between 1873-4 and 1874-5 was £7,000,000. Of this sum, the Metropolitan Board of Works, Harbour Authorities, and School Boards raised £5,500,000. If we look at totals of loans under various heads, we find that Poor Law Authorities stand for £3,500,000, County Authorities for £3,144,000, Municipal Authorities for £5,900,000, Metropolis Local Management for £1,888,000, Metropolitan Board of Works for £11,174,000, Urban Sanitary Authorities for £33,274,000. The result is that this £92,000,000 is composed of £63,000,000 charged upon rates, and £28,000,000 charged upon tolls and dues. This sum, which I may put at £92,000,000, which is due from local authorities in England and Wales, strikes one as enormous, but it is worth while to analyze it to see of what it consists. About one-half of the whole is owing—by the Metropolitan Board of Works, £12,000,000; and the Urban Sanitary Authorities, £33,500,000; making together £45,500,000. This represents substantial value—works which either of themselves are valuable property or which add to the value of property—namely, sewers, street improvements, gas, and water. Some persons may say that this is not local taxation in the strict sense of the word, but is rather

Bill Committees of both Houses of Parliament. And there is no security that those who direct the action of Committees of both Houses will take the same views of the subject. Indeed, within the last two or three years there have been cases where the money proposed to be borrowed has been spread over such a long series of years as certainly would not be sanctioned by any Government Department. As a general rule, the re-payment of a loan should be coterminous with the estimated duration of the works for which the money is required; but I do not say that that should be a rule without an exception, for there are some works or objects which are almost permanent. My right hon. Friend has been good enough to refer to the statement that I should have to submit as one that would be of an interesting character; but I can hardly claim for it that epithet, though I have endeavoured to make it as clear as I could. I think that I may fairly say that this is a subject that requires and deserves the attention of the House, and ought from time to time to be brought under their notice. On the other hand, I see no reason for alarm or for anxiety in the extent to which borrowing powers have been exercised, though some localities may have gone beyond what they should have done; yet, looking at the question generally, we cannot but believe that a vast increase in comfort and happiness has been brought about by this great expenditure. As to the total of the figures, I do not think that we have any great reason to complain. I omitted to state that I have endeavoured to make a calculation as to the average amount of rates which are now levied over the whole country. My right hon. Friend the First Lord of the Admiralty some time ago made certain calculations as to rates, and he stated that in 1867 the average rate over the whole Kingdom was 3s. 3½d. We in our calculations make the average rate over England and Wales, including the Metropolis, 3s. 8½d.; that for the Metropolis, 4s. 1½d.; and for England and Wales, exclusive of the Metropolis, 3s. 7½d. My right hon. Friend estimated that for the whole of the rural districts in the Kingdom the average rate was 2s. 9½d. in the pound; and I believe that if we could now arrive at the exact estimate we should find that

the average rate of the rural districts is from 2s. 6d. to 2s. 9d. in the pound; therefore, the pressure of the rates upon the rural districts has not increased, but is rather inclined to retrograde. The hon. Member for Hackney (Mr. Fawcett) is about to move an Amendment as to the relative incidence of the rates upon owners and occupiers. No man is better qualified to discuss such a matter than the hon. Gentleman; but I hope that the House will not be delayed from going into Committee until that knotty question has been settled. I have no doubt that the greater part of the current rates in the urban sanitary districts are in the nature of rent for increased value, and if these rates could be placed directly upon the landlord he would recoup himself by demanding an increased rent from the occupier. In the country the case is different, for there the rates fall ultimately as a charge upon the landlord. I am not aware that the occupiers of this Kingdom have desired to see a change in the mode in which the rates are levied; and there are many reasons why it would be inconvenient to the owners as well as to the occupiers to have the system altered, though the mode of levying is a totally different question from that of the actual incidence of taxation. I shall listen with interest to anything that may be said upon the subject; but I think that any discussion upon questions such as these may well stand over until after this Bill has passed.

MR. FAWCETT, in rising to move the Amendment of which he had given Notice, said, that nothing was further from his attention than to offer any unnecessary obstacle to the passing of the Bill; but, as the introduction of it had been chosen by the Government as a convenient occasion for making a most important and valuable statement, he thought it would not be considered inappropriate if he availed himself of the progress of the Bill to point out what he conceived to be the peculiar injustice associated with the present mode of borrowing money and the hardship it inflicted upon occupiers of houses and other rateable property as distinct from the owners. They had been told that the total indebtedness amounted to £92,000,000, and that the amount had increase £7,000,000 within the year. He should like to know what proportion

of these loans was to be paid off at 20, 30, and 50 years; and beyond this they had not heard what was the rate of interest which was payable upon the loans. Yesterday the Chancellor of the Exchequer stated that the Government were considering whether they could advance money to local authorities at  $3\frac{1}{2}$  per cent. It was evident that pressure was being put upon them to do this, and he was anxious to learn whether they were likely to yield to it. The evidence given before the Public Works Loan Commissioners last Session by Mr. Welby and others connected with the Treasury conclusively showed that lending money at  $3\frac{1}{2}$  per cent was not in the long run a paying investment for the Government, and, therefore, the making of these advances was one way of relieving local burdens. The local taxation of this country, which a year since was only £24,000,000, was now £26,500,000, so that, while the Government was constantly giving public money in aid of local burdens, yet, in spite of these subventions from Imperial funds, the amount levied from the ratepayers was increasing at the rate of more than £2,000,000 a-year. In reference to the Resolution which he had placed upon the Paper, he might say that he did not intend to enter into any complicated economical discussion as to the incidence of rates, but would make his remarks as practical as possible. The President of the Local Government Board spoke of it as an advantage connected with our present system of borrowing that the principal and interest of loans were paid off now in a shorter term of years than before; but the shorter the term the greater was the injustice inflicted upon occupiers in respect of the repayment of heavy loans incurred for such purposes as the building of county lunatic asylums and the carrying out of main drainage works. If the money were borrowed for 21 years and involved a rate of 1s. in the pound, for example, a farmer whose rent was £1,000 a-year would pay £50 a-year in extra rates, a clergyman with a living worth £800 would pay £40 a-year, and the occupier of the mansion of the proprietor, rated not upon its cost but upon its letting value, and let, or capable of being let, at £250, would pay £12 10s. a-year, so that the owner of the estate, with an income perhaps of £10,000 a-year, if he were non-resident,

would not contribute a farthing to the cost of a great improvement, which improved the health of the district and improved the value of the property. The farmer would contribute four times as much, and the clergyman three times as much, as the proprietor if he resided on the estate. This injustice deserved the special attention of those who professed to be the friends of the farmers and of the clergy. In inducing the farmers to clamour to save a halfpenny in the pound on the local rates—which went only into the landlords' pockets—was to cause them to run entirely on the wrong scent; but if the farmers and the clergy wished to remedy this great injustice in connection with local taxation, they would obtain for England what was already done for Scotland and Ireland, where all new local charges were borne equally by the landlord and the occupier. In the rural districts ratepayers were in a more unfortunate position than they were in towns which had local representation, for county rates were imposed by authorities who were not responsible to the ratepayers, and those authorities could borrow money for public works which would improve their own property, and the principal and interest might be repaid by leaseholders and tenants without the proprietors contributing a shilling. The right hon. Gentleman said it was right that the occupiers should contribute towards the cost of improvements, but it was not right that they should pay both capital and interest as they did at present. Even in the metropolis, if £2,000,000 or £3,000,000 were borrowed for 21 years for an embankment or main drainage works, an occupier who had taken a lease for 21 years just before the new rate was imposed would have to pay it during the continuance of his lease, and at its expiration he would have paid for an improvement of the property which would make it worth a higher rent, and which would be paid by some one else if he declined to pay it. Much had been said of compulsory tenant right; but this was what he called compulsory tenant wrong. This injustice would be remedied to a certain extent if new charges were borne partly by the owner, for re-valuation and increase of rent could occur only at the expiration of leases. It was contended by the claimants for Imperial subventions that what



was saved in rates was saved to the tenants at will, and if that were true the converse or reverse must be true, that new charges came out of their pockets. The injustice could be remedied, and the 38th clause of the Bill recognized the principle for which he was contending, for it said that if any new charge were imposed by carrying it out one-half might be deducted by any occupier from the rent he had to pay. The unpopularity of the school rate in England, which was swollen by the repayment of money borrowed for the building of schools, was partly owing to the fact that the rate fell exclusively upon occupiers, but the school rate occasioned less unpopularity in Scotland, where it was often heavier than in England, because in Scotland one-half was paid by owners, who also paid one-half of the poor rate and all the county rate. In Ireland there was a similar recognition of the principle for which he contended. There half the poor rate, which included the sanitary rate, was paid by the owners and occupiers, and the same with regard to the rate for the payment of the national school teachers in Ireland. If the reform which he advocated was carried out it would be a recognition of an important principle based on justice, and when this question was understood a great demand would be made which the Government would not be able to resist, both from the country and the town occupier that this justice should be conceded to them. For every reduction of local rates obtained at the expense of the Imperial Exchequer the public had to pay the price of seeing centralization interfering more and more in local affairs. In future new charges must be borne partly by the owner and partly by the occupiers, which would carry with it no disadvantage, but transfer the charge from one individual to another. The owners of property had the power to effect this, and, in doing so, they did nothing more than carry out the principle of self-sacrifice on behalf of those they represented, and who claimed to be peculiarly their friends. The hon. Gentleman concluded by moving his Amendment.

MR. RATHBONE, in seconding the Amendment, said: I can assure the right hon. Member opposite, in common with the hon. Member for Hackney, that I should be sorry to delay the carry-

ing of this Bill further than is necessary to discuss the various points which have been clearly laid before the House. I wish, however, that the President of the Local Government Board had not drawn quite such a *coulour de rose* picture of the state of our local government and the prospects of our local funds. But before going into the questions raised by his speech I wish to say that I support the view that the rates should be divided between owners and occupiers, because I believe that none are so deeply interested in the management of our local affairs as the landowners of this country. I think it desirable also to remove everything that should create any sore feeling between landlord and tenant. There is a feeling of soreness in the mind of the tenant, in periods of distress, which would not exist if his burdens were shared not merely as a matter of charity, but as a right. I am very glad that the hon. Member for Hackney has called the attention of the House to this subject, for I believe that the hardship and injustice which the present system inflicts upon the occupiers at times of distress are very serious; but, serious as this is, it is as nothing in comparison with its injurious effect in impairing the efficiency and economy of local administration. I was speaking only the other day to the Chairman of the Board of Guardians of a large Union in the South of England—a very wealthy landowner, a clergyman, and a Conservative. He has taken a most active part for many years in the management of his Union, and he spoke as strongly as the most Radical reformer could do of the pressing necessity of the reform of our local government. He said that he found it impossible to persuade a single landowner to join him in his efforts; they did not seem to feel that the rise or fall of the rates concerned them, because those rates did not directly fall upon them. In these, as in other matters, once put things upon an unfair and unjust footing, and you never know how far the inconvenience and evils resulting therefrom will extend; and the unfairness of the incidence of our local taxation is not confined to the want of fair apportionment to occupiers and owners. There is equal unfairness in the incidence of our present system of taxation as between occupier and occupier. This unfairness meets us at every turn, whe-

*Mr. Fawcett*

ther we try to obtain suitable areas for local government, efficient local authorities, or in any way to deduce something like order out of the present admitted confusion of our local organization. This is the most serious evil of all, for, important as is the relative incidence of local taxation, it is even more important that the proceeds of that taxation should not be wasted, but should be so spent as to give value received for its expenditure, and that our local taxation should not be in excess of what is necessary. The confusion and weakness of our local administration, the inefficient and excessive expenditure, the rapidly and dangerously increasing liabilities of our local authorities, are intolerable. There is an increase of over £10,500,000 in the indebtedness of our local authorities last year; and if something is not done for improving the conditions of local government, the burden will become so intolerable that the country will demand more stringent and radical treatment, and require that it should be confided to other hands. I hope, however, that this Government will show that it conceives that the truly Conservative mode of dealing with this question is to do so in time, before a drastic cure has been demanded by popular clamour. Not only the last and present Prime Ministers, but almost every statesman of eminence, has asserted in the strongest manner the importance of strengthening, simplifying, and giving renewed vitality to our system of local government; yet no Government has taken even the preliminary steps necessary to make an orderly and well-considered reform possible. Both sides have, to use the common cant phrase, which is only too expressive, introduced measures touching what they call the fringe of the question; but it is evident to any one who has interested himself in the subject that no Government has yet framed anything like a comprehensive plan, or, I repeat, taken even the preliminary measures necessary to enable it to frame even a comprehensive plan, of which the measures it proposed were calculated to be a consistent part. I venture to think that if the late Government, had they when they came into office told off one of their ablest Ministers, giving him the best professional assistance and the aid of a Royal Commission, to obtain trustworthy information, and to enable him to mature his plans,

they would have been able, when they had passed their Irish Church and Land Bills and their Elementary Education Bill, to undertake with effect the reform of the local government of this country; and I am not alone in thinking that had they taken this course they would have been in power at this moment, with the general assent of the country. It appears to me that the present Government are committing exactly the same blunder committed by their Predecessors. Perhaps I may say one word as to the great assistance which might be rendered to the Government by a Royal Commission consisting of four or five Members of each House of Parliament, and three or four able men, not Members of either House, but bringing official and legal experience and knowledge to the task. Such a Commission would materially aid the Minister in maturing his plans; especially would it help in the practical details necessary to combine the greatest efficiency with the least disturbance; and, moreover, the Members of such a Commission would in the course of their inquiry become so thoroughly acquainted with the different bearings of the subject that they would afford most efficient aid to the Minister in carrying his measure through the House. No reform since the new Poor Law is more important to the character and future welfare of the country; but, like that beneficent enactment, it must be no Party measure, but carried by the concurrence of the statesmen of both sides. Such a Commission as is suggested, by combining leading Members of both sides, would facilitate this desired co-operation. The hap-hazard legislation of the last 40 years has been wrong and pernicious in two ways. Whenever anything was required in the direction of social or sanitary reform, a fresh rate was imposed, without regard to the justice or injustice of its incidence, and a new Board was created; and, if the injustice was too strong to be borne, the sop of a loan was thrown in to mitigate the feeling of injustice therefrom resulting, creating, as injustice always does, complications and difficulties, often producing evils far more serious than mere pecuniary inequality. The multiplication of local authorities and elections diminished public interest and vigilance, and weakened the dignity and attraction of local authorities. Just

when more good men were rendered necessary, fewer good men were willing and available for the duties of local administration. Every year while reform is delayed, the number of local authorities and their official expenses and liabilities are rapidly increasing, and create a rapidly increasing expenditure and difficulty in the way of reform. I appeal to those who are best acquainted with this subject; I appeal to the Ministers themselves who have had charge of matters of this kind, whether there is not wanting that exact and comprehensive knowledge of the facts of local organization, as it now exists, which is an essential preliminary, not merely for devising a remedy, but for knowing what the disease itself is. We are in the dark about the incidence of taxation itself. We do not know, and the Government cannot tell us, into whose pockets the relief will go which is promised even by the Bills of this Session. The right hon. Gentleman has made a most interesting, and, on the whole, valuable statement on the subject; but it is not possible for him to tell us, for instance, how much of the subvention of half the cost of the police will go to the town ratepayers, and how much to the farmer. The Returns relating to local taxation and expenditure now published do not furnish the necessary materials, either for comparing the ordinary expenses of local administration in urban and rural districts, or for determining either in urban or in rural districts the relation between the expenditure for particular purposes, and the incidence of the burden of that expenditure, or for ascertaining the ordinary urban expenditures for the different heads of the so-called sanitary purposes. For example, there appear to be no means of discovering how much of the £6,000,000 spent on the relief of the poor outside the metropolis is borne by urban and how much by rural ratepayers, unless in the few cases where the boundaries of a town are conterminous with those of a union; how much of the millions spent on county police represents the police employed in urban districts other than boroughs; how much of the £6,000,000 of urban expenditure for "sanitary purposes" belongs to new works, and how much to ordinary expenditure; or how much of ordinary expenditure for "other purposes" belongs

to the several heads of lighting, water, and sewerage. And since the totals do not distinguish between places where gas and water are supplied by private companies, and places where gasworks and waterworks are provided by the local authority, they would, in any case, fail to give any real account of the cost of these important items. Further, there are £3,000,000 of receipts, and £2,500,000 of expenditure, with respect to which no indication whatever is given of the sources of the receipts, or of the objects of the expenditure. It is, therefore, impossible either to discover the present incidence of taxation, or to calculate with any precision how far it would be disturbed or altered by the operation of any new scheme which may be proposed. Nor is it probable that any Return which could be obtained, under the present condition of areas and authorities, would furnish the desired information. The right hon. Gentleman has told us the grand total of local indebtedness. The rapid growth of that total may startle and alarm this House; but it will probably not give a moment's uneasiness to a single ratepayer. Why? Because, in the existing condition of things, the ratepayer does not, and cannot, know how much of the burden affects his own town or parish. If the ratepayer's district were the same for all purposes, and were governed by one body, he would know the total debt of his district. He would jealously watch its growth. He would know the reason why for every increase; but, as things are now, the truth is concealed from him. For some purposes he is governed by the County Justices, who have a debt for asylums and prisons; for other purposes he is governed by Guardians, who have a debt for workhouses, and perhaps for drains; for other purposes he is governed by a school board, who have a debt for schools. So with highways, and perhaps with cemeteries, and so on. The ratepayer could not find out the grand total of the indebtedness of his district, if he tried. In fact, he does not live in one district, but in many districts. He could not bring pressure to bear upon his various governing bodies, if he tried. How can he influence all at once the Justices, the Guardians, the School Board, the Highway Board, the Burial Board? This evil of growing indebtedness can only be dealt with

*Mr. Rathbone*

locally; but it will not, and it cannot, be dealt with locally until its existence and its tendencies have been brought home to the ratepayer, and they cannot be brought home to the ratepayer until you make simpler areas and simpler governing bodies. More than this, the debt will never be brought under control until owners as well as occupiers are made to feel the burden while it is being created, and are both empowered and induced by interest to take an active part in economical administration. And really such reforms as the measure before the House, and the Act which it proposes to amend, and even the relief offered by the Government to local taxpayers, are, in the absence of reform of the administration, of very doubtful benefit. Your facilities for borrowing and your contributions to local taxpayers are very apt to be swallowed up by the expenditure of local authorities too numerous to be vigilantly watched or efficiently organized. The very creation of these loans on unsatisfactory areas is a most serious obstacle to their rectification. Just let me give a few instances of the anomalous, unjust way in which our local taxation is at present levied. Take the case of highways, and the House must not consider that I am wandering from the question even of loans, for I know a case in which the excessive charge for highways on a district has led to borrowing money for work that really ought to have been paid out of current taxation. Take a district lying between one district containing coal mines and a manufacturing town. A road runs through it, which passes through this district which is not relieved by the rates levied on the mines or the town. The tax upon that intermediate district is enormous, and the benefits which it derives are very small indeed. In some instances as much as 5s. in the pound will be levied for the support of that road, of which the inhabitants make very little use, and from which they derive only an indirect benefit. I am aware that the Government have made a very creditable attempt to remedy that grievance in the Highway Bill; but if that Bill ever comes on it will be perfectly easy to show that, for want of well-arranged areas and County Boards, it is a very imperfect measure, and could only half meet the injustice which it seeks to remedy. Take another case

under the present law. If a district remains under the rural sanitary authority the incidence of taxation is very different from what it would be if it were to form itself into a local government district; and it really amounts to a mere accident under which of these authorities your taxes happen to be levied. Clearly, one or other of these systems of levying taxes must be unjust. I will give you another instance. I had a letter from the principal landowner in a parish containing two large villages. The rateable value of the parish is £34,000. The rural sanitary authority propose to adopt a drainage scheme for one of these villages and its neighbourhood, which would involve a rate of 1s. in the pound on the whole rateable value of the entire parish. My friend owns property at the other end of the parish, with the other village built upon it. He is divided from the district which it is proposed to drain by two miles, a river, two valleys, and consequently two water sheds, and could not by any possibility derive benefit, present or future, from the proposal. Yet his property will be subject to 1s. in the pound, or £120 a-year additional rates, for improvements from which neither he nor his tenants can derive any benefit whatever. Without the facilities for borrowing from the Public Loans Commissioners, works of this kind would not be attempted. In giving them the means of executing such works at the charge of future generations, we are bound to take some security that the proceeds of the loans are put under the charge of authorities more efficient than our present ones, and that the taxation to repay them should be more equitably levied than it now is. Such anomalies are constantly occurring, and will increase rapidly with the spread of the call for sanitary improvement. They began with the towns; they are now extending to the suburban and country districts; and I assert, and should at the right time be prepared to show, that such injustice is absolutely unnecessary, and that in applying a remedy to it we should remove some of the greatest difficulties in the way of obtaining suitable areas and suitable authorities for local government. This is not an occasion to go into detail in these matters, but I would again urge that the Government should appoint a Royal Commission to assist them in their investigations. A

great deal of thought has been bestowed upon this subject during the last five or six years, and such a Commission would find at its disposal an immense amount of practical and useful suggestions. Having devoted for many years very close attention to the subject, I do not hesitate to say that there is not a difficulty attaching to the improvements required which cannot be met by simply using the results of our own experience. Every difficulty which affects the country generally has in one form or another been met by experiments in local Acts or otherwise, the results of which we have only to see, and in no case shall we be obliged to resort to any untried theories or experiments. This being the case, I conceived that this Government, possessing as it does among its supporters an unusual number of men trained in the work of local government, are utterly inexcusable if they delay any longer systematically to consider and undertake the reform of our local administration and taxation. In all my experience of and investigations into the subject, I have seen no reason to despair of local self-government in England. On the contrary, I feel strongly that it is the very vital source of the manhood and vigour of our individual and national life; and I think it will be a disgrace to our statesmen, and a discredit to the practical common sense of Englishmen, if we allow it to remain any longer in its present state of confusion, inefficiency, and waste.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, an unduly large proportion of the charge involved in the payment of the interest and capital of the loans which are raised by local authorities falls upon the occupiers, as distinguished from the owners, of land, houses, and other rateable property,"—*(Mr. Fawcett.)*

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. J. G. HUBBARD said, it was impossible to deny there was a great deal of truth in the remark of the hon. Member for Hackney (Mr. Fawcett) as to the incidence of the rates gradually accumulating on the occupiers throughout the country. He feared, however, that

the only remedy for the state of things which the hon. Member had described was to be found in the good feeling of the owners of property. If they were not willing to come to the relief of those who held property under them, he did not see how the Legislature could interfere in the matter. The present Bill promoted and instigated still further the local expenditure of the country, and permitted the Government to raise money for the purpose of making loans for that object. Before they stimulated local expenditure, and prepared to raise money which would have to be repaid, they ought carefully to adjust the means by which that money was to be collected. That, however, had not been done. They had not taken the preliminary step of ascertaining their measure of value for the purpose of rating property for local taxation. This, he thought, was creditable neither to the House nor to the country. He had a very serious grievance to complain of in reference to the progress of a Bill which he introduced early in the present Session for the purpose of relieving, not only his own constituents, but the inhabitants of the metropolis generally, from a burden imposed on them in the matter of Imperial taxation. Under the imposition of the house tax the whole country was liable to be taxed upon the annual value of houses; but by the Metropolis Valuation Act that annual value was converted into gross rental, and this change made a difference of 20 per cent to his constituents and imposed a tax in addition to the house duty wrongfully upon £5,000,000, the sum by which the gross value of the house property of the metropolis exceeded the net or rateable value. This was the result of the persistent encroachment of fiscal rapacity. With regard to the Bill itself, he thought the large funds which the Government held in hand in the shape of savings-bank deposits might very properly be employed in making these loans. He thought it would be a very advantageous arrangement, and he was not aware that there was any constitutional impediment to it. He did not wish to prevent the Bill going into Committee, but he hoped some consideration would be given to the points to which he had drawn attention.

MR. GOSCHEN said, he did not wish to retard the public business, and there-

*Mr. Rathbone*

fore he should be very brief in his remarks. At the same time, it must be remembered that this was a somewhat important and quite a new occasion when they had placed before them in a very interesting manner the general state of local finance in the country by the right hon. Gentleman the President of the Local Government Board. The Government, therefore, might fairly expect them to ask any questions with regard to the progress of local taxation which were suggested by their Local Taxation Budget. With regard to the Resolution moved by the hon. Member for Hackney (Mr. Fawcett), he would say the subject was a most important one, which thoroughly deserved the attention of the House. He had done great service in ventilating it; but, at the same time, he (Mr. Goschen) trusted that he would not divide the House upon the present occasion, because no action could be taken upon it at present. He would remind the House that a Committee had examined into the matter in 1870, and that the majority reported in favour of a certain proportion of rates being placed on the owners as well as on the occupiers. This was not, therefore, a new idea of the hon. Member for Hackney; it had the sanction of a Parliamentary Committee; and though there was some difference of opinion on that Committee, and though certain resolutions were carried by a majority of one, there was among the minority a considerable adhesion of opinion that a certain proportion of rates should be placed on the owner as well as on the occupier. He hoped the Chancellor of the Exchequer when he spoke would not, even at that period of the Session, encourage the idea that it was absolutely impossible to deal with the question. The question well deserved the consideration of the Government. It was difficult to know how to get at the owner, but there was the precedent of the Income Tax. It was against the law for an owner to contract himself out of it, and the occupier was at liberty to deduct the tax from the owner. It was said that this was a question which did not excite much attention in the country districts. The reason why the farmers did not feel much interest in a division of the rates between landlord and tenant was, that they were afraid that its consequence would be a disturbance and

re-arrangement of rents throughout the country. In a large part of the country the farms were not rack-rented, and the farmers feared that if the rates were divided between landlords and tenants there would be a general re-adjustment of the rents. It was said that in the end the rates were really paid by the owner. That was, no doubt, true as a general principle; but where there had been a large increase of the rates the increase chiefly fell on the occupier, who, as a rule, was not in a position to propose a change in the terms of his agreement with his landlord. And now, adverting to the interesting statement of the President of the Local Government Board, which showed in a graphic manner the progress of expenditure and of rating in different parts both of town and country, and the increase or decrease which had taken place, he would venture to call attention to the remarkable fact stated by the right hon. Gentleman, that the unremunerative rates had at length begun to decrease, while remunerative rates were increasing. He recommended that fact to the attention of the Local Taxation Committee, which sat in London, and boasted that they had prevented the passing of 16 Bills which would add to the burdens of the ratepayers. He thought the Chancellor of the Exchequer last night intended to give a reply to a question which he put to him when he said that the relief now given was "the crowning point." He ventured again to appeal to him, so that there might be no misunderstanding, and to ask if he was able frankly to state to the House that the programme of relief sketched and drawn for him by the hon. Baronet the Member for South Devon (Sir Massey Lopes) had been at length carried out. There were circumstances in the future over which he had no control, and it would be wrong to press him unduly on this point; but he should be glad to know whether they might understand by this expression, "the crowning point," that they had now arrived at the time when those who had insisted with great pertinacity on relief being given from local burdens were fairly satisfied that the Government had redeemed their promise to the ratepayers, and that from this time forward they would stand on clear ground in that respect. He understood that they repudiated the idea that the last boon

was, in fact, to be considered as a small instalment for the agricultural interest. He hoped the right hon. Gentleman would be explicit on this point. The President of the Local Government Board gave the rates at 2s. 9d. in the pound in agricultural portions of the country, and he now put them at 2s. 6d., which he considered was not unduly high. The President of the Local Government Board was speaking as the authoritative organ of the Government when he expressed that view, and he hoped the Chancellor of the Exchequer would concur in the view he had stated.

MR. THOMSON HANKEY, referring to the difficulty which had arisen as to the construction of the Act of 1875, expressed a hope that the opportunity would be taken of inserting a clause in this Bill which would extend the discretion of the Public Works Loan Commissioners—if such was the intention of the Legislature—to restrict the term for which loans were granted. The term of 50 years was considered too long, and 30 years, which was the usual period for which loans were granted in Scotland, would be preferable. He hoped the Chancellor of the Exchequer would consider this point.

THE CHANCELLOR OF THE EXCHEQUER would first of all pay a tribute of thanks to the hon. Gentleman and the other Commissioners for the assistance they gave in undertaking this work. Representations had been made to the Treasury by the Public Works Loan Commissioners within the last few days on this very point; but, after taking the opinion of the Law Officers of the Crown, he saw there was some difficulty, and it might be advisable to take the opportunity afforded by this Bill of carrying out the object to which he had referred. What he proposed to do was to commit the Bill *pro forma*, to meet the points which his hon. Friend had suggested. He would say generally that, in introducing the Bill, what the Government desired was, as far as possible, to divest the Treasury of the inconvenient control and power of granting relaxations which it possessed under the old system. The Government thought that there were questions as to the manner in which the Public Works Loan Commissioners had exercised their duty which ought to be discussed in Parliament, for they believed it would be most desirable that

Parliament should be cognisant of the manner in which the Commissioners exercised the discretion given to them in apportioning the loans under special Acts, the administration of which was entrusted to them. This was the principal point of detail in connection with the Bill, which would be open to consideration when it got into Committee. Her Majesty's Government had reason to feel gratified generally at the manner in which the House had appreciated their endeavours, and at the reception which the clear and succinct statement of his right hon. Friend had been received. He hoped, however, that the House would not yield to the temptations to discuss all the questions of local finance and taxation, running as they did into the question of local administration. The hon. Member for Hackney (Mr. Fawcett) had raised a question very pertinent to the subject of the Bill, but which, if discussed fully, would lead into a very wide field. He would abstain from following the hon. Member and those who succeeded him into the question of the incidence of rates upon the owner and occupier; but he would say in answer to the right hon. Gentleman opposite (Mr. Goschen), when he asked him to abstain from committing the Government as to any division of rates between owner and occupier, that he was not only making a very moderate request, but one which had been answered by anticipation, because on more than one occasion the present Government had passed measures in which the principle of allowing the tenant to deduct a portion of the rates from the rent was recognized, as in the case of the rating of woods and mines. In the Highways Bill, now on the Table, the same principle had been carried out, and they would be always ready to act on that principle whenever it was applicable. Now, some distinction should be made between sums raised by way of loan for the public service and for what might be called public improvements, which might be distinguished as remunerative and unremunerative. The right hon. Gentleman had called attention to the fact that it appeared from the statement of his right hon. Friend that the burdens of the country in respect of unremunerative expenditure had, in fact, retrograded, and he took occasion to express a hope that we had

*Mr. Goschen*

come to an end of the systems of subventions and assistance to local taxation. But the House should bear in mind that if the rates were falling it was due in a great measure to the fact that we had given subventions. The policy to which Her Majesty's Government were pledged had borne very substantial fruit. The right hon. Gentleman would not expect him to make pledges or to embarrass the Government with respect to a future policy. In any adjustment of taxation they must consider local finance as an important point of the question. But he was ready to accept the view which the right hon. Gentleman asked him to accept—namely, that what had been done since Her Majesty's Government acceded to office had been in the nature of a redemption of the pledge which they recognized when they came into office. They had been told last night that they had developed these things by degrees; but they announced from the beginning certain points, though they developed them only by degrees. He wished it to be clearly understood that in this matter they were entering into no pledges for the future. He considered it the duty of the Government in the question of local taxation to pay due attention to the subject of local administration. Whatever they had done with regard to subventions would be most incomplete, and in some respects perhaps productive of mischief, if Her Majesty's Government considered that the whole task before them. They did not pledge themselves to bring forward any great measure of local administration; but they would be anxious, wherever they could do it, to introduce improvements, such as they had indicated on many occasions, for the improvement of local administration, and, therefore, for the relief of burdens, not so much by giving relief from the Imperial Exchequer as by rendering the burdens more lightly to be borne. As he had said already, some loans were applied for the purpose of promoting the public service, some for improvements; and with regard to these there were different considerations to be borne in mind. They must not throw upon the owners of property, for the benefit of the country at large, burdens they would have no share in regulating. Suppose they threw upon a county the burden of building lunatic asylums, they would not do that for the benefit of the

owners of the county; nor, in general, had owners a voice in determining that such expenditure should be incurred. Then there were a great many other improvements which were forced upon the owners of property. His right hon. Friend had pointed out that a great proportion of the debt was cast on owners by special Acts of Parliament not promoted by them, but rather by the occupiers. What they ought to look at was that if they adjusted the burdens unjustly they threw a great impediment in the way of getting the work properly done. It did not always follow that the owner was a rich man; they had often to deal with poor owners, and that had been found one great difficulty in effecting improvements of great importance. In a pamphlet published some years ago by Mr. Edwin Chadwick, that gentleman stated that in many cases the cost of the improvements amounted to more than the whole rental of the property. Where money was raised by borrowing there was a natural solution. The money raised was charged on the occupier and was to be repaid by him in a certain time, which had reference to the probable duration of the improvement. If the occupier's tenure were equal to the duration of the improvement he enjoyed the benefit of it and paid back the loan, but if his tenure were less the charge remained on the land, and the incoming occupier would have to pay it, and of course arranged his rent accordingly, so that the matter was self-acting if the time for repayment were properly arranged. There was great danger in making the repayment fall within too short a time, for then it would fall too heavily on the occupier, while on the other hand if the time were made too short burdens might be thrown on the proprietor without his consent, and from which he would never derive any benefit. Of course, the balance of the Savings Bank Fund would be made available for the loans; but he could not say to what extent the Commissioners would be prepared to supply a certain proportion of the money. The question of the Valuation Bill and of the House Tax lay outside the immediate field of this measure. They had a Bill before the House on that subject, and he hoped it would be proceeded with if the House assisted the Government to economize time, but they were



in a difficult position with regard to getting through everything that appeared upon the Order Book. They proposed to reprint the Public Works Loan Bill with Amendments, and he hoped the House would now allow them to proceed, so that they might get the money necessary for the advances.

MR. CHILDERS complimented the President of the Local Government Board on the admirable manner in which he had brought the subject before the House. The statistics stated by his right hon. Friend would dispel many illusions. One of these was that the burden of local taxation amounted to £26,500,000 a-year, whereas it was only £22,000,000. Another illusion dispelled was the exaggerated notion of the effect of the Government measures for the relief of local taxation. The charge, as far as the rural districts were concerned, had been reduced from 2s. 9d. in the pound to something between 2s. 6d. and 2s. 9d., or about 1½d. in the pound, whilst in the towns the rates had increased by 2d. or 3d. in the pound, and on the other side there had been an addition of 1d. to the Income Tax. Although he took exception to some of the remarks of the Chancellor of the Exchequer, and hoped they would not in future years be taken as a rule to guide them, he thought the right hon. Gentleman had rendered good service in qualifying the rather summary refusal with which the President of the Local Government Board met the Motion of the hon. Member for Hackney. That Motion touched a question of great interest, and, instead of going into it, the President of the Local Government Board snuffed it out with the remark that in towns it was impossible to get at the owner. He held it was perfectly possible to get at the owner and distribute the charge between the persons interested in house property. It was a problem which was by no means difficult to solve, and it must be solved if they wished to settle the question. They had also to thank the Chancellor of the Exchequer for another statement he had made, because for some time they had been drifting they knew not where in regard to the relief of local taxation from Imperial funds. In his Budget speech in 1874 there was no allusion to prisons, and when an addition was made to the points then enumerated

they were justified in suspecting that further claims would be made. The right hon. Gentleman had now said, however, that the pledges of the Government in this matter had been redeemed, so that they knew that if further proposals should be made in the same direction in future they would be entirely new, and not in fulfilment of the promises made two years ago. He was of opinion that the pledges of the Government had been more than sufficiently redeemed. The Chancellor of the Exchequer had now put the matter on an intelligible footing, and if for no other reason they ought to be very well satisfied with the course of the present debate. He trusted the example which the President of the Local Government Board had set on this occasion in the construction of his new Budget speech would be followed in future years.

SIR GEORGE CAMPBELL said, he only wished to make one remark with regard to that which had fallen from the Chancellor of the Exchequer as to a boon which the people of Scotland thought they had a right to, in order to put them on an equality with other people. He understood the Chancellor of the Exchequer to say that probably the public loans to Scotland would be at 4 per cent, and not 3½ per cent. He hoped the right hon. Gentleman would consider this question. In Scotland the price of money was lower than anywhere else. The Scotch were a prudent people, and could get money cheaper than it was to be obtained by most. There were very few cases where the local bodies could not borrow at 4 per cent on their own credit, and it would be a great disappointment to them if the Government loans they thought themselves entitled to were not given at 3½ per cent. He thought the Chancellor of the Exchequer was influenced by something that was said by the hon. Member for Hackney (Mr. Fawcett), with whom he had sat on the Public Works Loan Commission. He (Sir George Campbell) took a different view with regard to the evidence given before the Commission with regard to loans at 3½ per cent to that of the hon. Member. The hon. Member had said that these loans were a loss to the public Exchequer; but he (Sir George Campbell) took a different view of the result of the evidence. It was true it was brought out in evidence that, taking into

account what had occurred with regard to some old Irish loans, which no one expected would be repaid, and some others, there had been a loss to the Exchequer; but, on the other hand, he thought it was distinctly brought out that modern loans, such as they would give to the prudent people of Scotland, was not likely to prove a loss if given at  $3\frac{1}{2}$  per cent, for this reason, that the Government was able to borrow at  $3\frac{1}{4}$  per cent, and when they lent the money so borrowed at  $3\frac{1}{2}$  per cent there was a certain margin to cover any possible loss. Therefore, he contended, the kind of loan he referred to was not likely to result in a loss to the Exchequer, and they should be given to the people of Scotland at the rate they expected. He was aware that the hon. Gentleman the Member for Hackney, and some others, did not desire that loans should be given from the public Exchequer for local purposes; but, on the other hand, he believed that the control which was obtained over the expenditure was beneficial. He hoped the people of Scotland would not be disappointed in their fair anticipation in respect of this matter.

MR. BIGGAR thought the same rate of interest ought to be charged for all loans raised for public purposes.

Amendment, by leave *withdrawn*.

MR. FAWCETT said, as Parliament was to be made responsible for the loans he hoped the Bill would specify the purposes for which the loans were to be granted and the rate of interest which they were to bear.

THE CHANCELLOR OF THE EXCHEQUER replied that it was impossible to specify these matters in the Bill. The Public Works Loan Commissioners would exercise their discretion in making advances; but instead of the Treasury having power to make reductions in the rate of interest, as at present, that power would by the Bill be transferred to Parliament.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill considered in Committee, and reported; to be printed, as amended [Bill 228]; re-committed for Thursday.

# APPELLATE JURISDICTION BILL.

[Lords].—[BILL 111.]

(Mr. Attorney General.)

## COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Attorney General.)

SIR HENRY JAMES wished to observe that the present condition of our judicial administration was very unsatisfactory. It was clear that we did not at present possess suitable machinery for the speedy administration of justice, and therefore it was necessary that those who had practical knowledge of the subject should lend their aid in improving the system. An opportunity for doing this was afforded by the introduction of the present Bill, and he felt certain the Government would carefully consider any suggestion which might be made. Under this Bill a serious question arose as to the constitution of the Intermediate Court of Appeal. For his own part, he should have preferred one Court instead of two Courts of Appeal, but the House had already given its decision on that point, and therefore it would be useless for him to argue it. In his opinion, the Intermediate Court of Appeal had proved to be very inefficient, although the right hon. Gentleman at the head of the Government had argued that that Court had satisfactorily discharged its duties. The inefficiency of the Court was due first to the want of numerical strength; and, secondly, to the want of personal direction. There was no member of this tribunal, with the exception, perhaps, of Lord Justice Mellish, who had been a practising member of the Common Law Bar, and, therefore, the authority of the Court was the less respected when they overruled Common Law judgments. Under the 14th section of the present Bill provision was made to strengthen that Court by adding two permanent and fixed Judges, who, however, were not to be appointed until the death or resignation of certain members of the Judicial Committee of the Privy Council. The appointment of the new Judges ought not, in his opinion, to be deferred until that contingency occurred. He had consulted with many of his learned

friends, and he believed that his views would meet with considerable, if not entire, concurrence from the legal Members of the House. The remedy he ventured to propose might at first sight appear to be of a somewhat dangerous description. He thought that permanent and fixed Judges should sit in the Court of Appeal, as great inconvenience arose from a Judge sitting as a Primary Judge one day and as an Appellate Judge the next. An Appellate Judge ought to be an Appellate Judge for all purposes. He suggested that two members of the Bench in the Common Law Division of the Supreme Court of Justice should be taken from the Primary Court and transferred to the Appellate Court as permanent and fixed Judges. It would be necessary for Her Majesty's Judges to apply themselves to this work, not according to old precedents, but according to the necessities of the time. It would never do to allow our Courts of *Nisi Prius* to be less than six in number, but many cases which were now argued before three Judges sitting *in banco* might well be disposed of by one. This would secure a great saving of time and economy of judicial power, and it could not be said that this was a new principle, for it had always been adopted in the Chancery Courts. By this arrangement they might have two Divisions of the Appellate Court always sitting. He would also allow one Judge to take special cases on the Crown Paper. Three Judges might be allotted for sitting at Chambers and at the Central Criminal Court. By this means they would have sufficient numerical strength on the judicial bench and justice would be better administered than at present. He had reason to believe that the suggestions he had made pointed in the direction of a great reform. It might not be beneficial to the Bar, and it might find but little favour with the Bench; but it would meet with the approval of the suitors who were asking, and asking in vain, for justice. He hoped the Government would not shrink from dealing with the subject in the manner it deserved.

MR. FORSYTH moved the adjournment of the debate, the subject raised by the hon. and learned Member being one of great importance, on which several Gentlemen intended speaking.

*Sir Henry James*

Motion made, and Question proposed, "That the debate be now adjourned."—(*Mr. Forsyth.*)

SIR GEORGE BOWYER seconded the Motion.

MR. MORGAN LLOYD asked that the debate might be fixed to be resumed before the Members of the House who were members of the Bar went on Circuit.

MR. DISRAELI said, the debate would be resumed at a Morning Sitting on Friday.

Motion agreed to.

Debate adjourned till Friday, at Two of the clock.

BISHOPRIC OF TRURO BILL—[BILL 185.]  
(*Mr. Asheton Cross, Sir Henry Selwyn-Ibbetson.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Asheton Cross.*)

MR. DILLWYN, who had an Amendment on the Paper that the Bill be read a second time that day three months, said, that the object of this Bill could only be to turn the voluntary donations that had been given for the establishment of this Bishopric into a State endowment, and to create a high State official to be able to sit in Convocation, to possess certain legal powers, to hold a certain social position, and in his turn to have a seat in the House of Lords. He was not a Nonconformist; but he represented a large body of Nonconformists, and their objection to the Established Church was that they sincerely believed it interfered with and retarded the spiritual development of the country and the cordial co-operation of one class with another in society. In that House it retarded and prevented the passing of measures that would otherwise be conducive to the welfare of the community, and but for the religious difficulty the education of the country would be in a better condition than it was at present.

It being ten minutes before Seven of the clock, the Debate was at this day.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

#### FACTORY AND WORKSHOP ACTS.

##### RESOLUTION.

MR. TENNANT rose to call attention to the Report of the Commission upon "the working of the Factory and Workshop Acts;" and to move—

"That, in any measure for the consolidation and amendment of the Factory and Workshop Acts, it is desirable, in the interests alike of employers and employed, that all trades and manufactures employing the same class of labour should be placed upon the same footing and under the same protective and restrictive provisions."

The hon. Gentleman said, he was aware that in calling attention to this question he was introducing a dry and uninteresting subject. It was important, however, affecting as it did the manufacturing interests of this country.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock.

#### HOUSE OF COMMONS,

*Wednesday, 5th July, 1876.*

MINUTES.]—PUBLIC BILLS.—*Second Reading*—Increase of the Episcopate [11], *negatived*; Orphan and Deserted Children (Ireland) [32]; Legal Practitioners (Ireland) \* [142]; Protection to Growing Crops (Scotland) [96], *debate adjourned*.

*Committee*—*Report*—County of Peebles Justiciary District (Scotland) \* [212].

*Third Reading*—Medical Practitioners [81], *and passed*.

*Withdrawn*—Colonial Marriages \* [87]; Medical Act Amendment (Foreign Universities) \* and Tenant (Ireland) Act [40]; Convicted Children

#### ORPHAN AND DESERTED CHILDREN (IRELAND) BILL.—[BILL 32.]

(*Mr. O'Shaughnessy, Mr. O'Reilly, Mr. Bruen, Mr. Redmond.*)

##### SECOND READING.

Order for Second Reading read.

MR. O'SHAUGHNESSY, in moving that the Bill be now read the second time, said, the object of the measure was to limit the age up to which Boards of Guardians in Ireland might board out of the workhouse orphan and deserted children who should come under their care. The law up to the present time had been regulated by two statutes—the 25 & 26 *Vict.* c. 83, and the 32 & 33 *Vict.* c. 25. The 9th section of the first of the statutes enabled Boards of Guardians to board out such children with persons of the religion in which they were registered, until they had attained the age of 5 years, or, under special circumstances, 8 years. The 32 & 33 *Vict.* c. 25 repealed this section and extended the limit of age to 10 years. The Bill, of which he now moved the second reading, proposed to extend the age to 13 years. In England the limit was 16 years; and he had been much urged by authorities in England to adopt that age for Ireland. He admitted the advantage of uniformity of the law in this respect, and had he followed his own views he should probably have adopted that limit. But none of those in Ireland who had most experience—the Boards of Guardians to whose discretion the carrying out the law was left, had asked for an extension to 16 years, and he had thought it preferable that their views should be carried out. If in future it was necessary to advance beyond the age of 13, it would be open to any one to introduce a Bill. At present the age of 13 would satisfy the Boards of Guardians who had expressed their wishes on this subject. The object of the Bill was that children who would come under its operation might be gradually absorbed into the population, and not subjected to the stigma of pauperism throughout their lives. The policy of absorption could not be carried out so long as the age was kept as it was now, at 10; for it was a subject of complaint that in too many cases the children when they had attained the age of 10 were sent back by the peasants who had nursed them to the

Union, and thus there was the risk of their becoming permanent paupers. Unless, therefore, these children were absorbed into the population by being boarded out longer than they could be at present, he was afraid they must look forward to seeing the street corners and the public-houses crowded with them, grown up into men and women, a burden both to themselves and to the parish. He was disposed to say but little as to the general utility of the boarding out system, since he thought that at the present day it was pretty well acknowledged. The children formed family ties, learned to make themselves useful in whatever occupation the peasant with whom they lived pursued, and became accustomed to the ways of the population amongst whom they ought to spend their lives. The experience of rearing children in the workhouses in Ireland was not a pleasant one. The contamination of the minds of boys and girls was terrible to think of, and this state of things existed in spite of all the care and classification they could exercise and devise. The only remedy in Ireland was boarding out. In England the difficulty was met by district schools set apart for the education and training of these children, though the feeling was that these schools had not been so successful as the boarding out system. In Ireland these children had to be sent to the workhouse school. The peasantry to whose care these children would be committed were sober and moral people who had the respect of their ministers of religion and of the landlord, and he held it would be to the interest of the persons who had charge of the children to educate them properly, feed them, and not overwork them. The system had been a great success in Scotland, and in parts of England the boarding out system had been used with great success. No doubt in connection with the system, so far as it was carried in Ireland, there had been abuses, but he did not wish to go into them—they could be guarded against, and if the Local Government Board desired further powers he should be very willing to grant them. But what he really relied on most was this—The English Local Government Board, in dealing with this question, had, he believed, made it a *sine qua non* that wherever this system was introduced, there a committee of ladies should be

organized, with visiting powers, for the purpose of seeing after those children. He looked forward with great pleasure to the time when ladies in the districts of Ireland where this system was in force would interest themselves about these poor children, as they could not fail to exercise a beneficial influence both over the children themselves and the peasants in whose house they were. There was no religious difficulty likely to arise in this case, because the Act provided that the children must be in the houses of peasants of the same religion as themselves; and if this local visitation of ladies should be carried out it might create a spirit of unity, concord, and kindness between the different classes, to which, unfortunately, in some cases they had been more or less strangers in Ireland. With regard to the question of mortality, the statistics showed that the mortality amongst children between the ages of 2 and 15 in the workhouses was three times the average mortality amongst those out of it. And as regarded the cost of boarding out children it was very much less than that of keeping them in the workhouse. Sir Charles Trevelyan had stated that in Ireland the average cost of boarding out was £7 6s., and of maintenance in the workhouse £13. The Bill had received a large measure of support in Ireland from Protestants even more strongly than from Roman Catholics. Magistrates, clergymen, men of letters, and Guardians had all written to him in support of the Bill—there had been no Petitions against it, while 20 Boards of Guardians had petitioned in favour of it. While such was the feeling of all classes in Ireland he trusted the House would find no difficulty in reading the Bill the second time. The hon. Member concluded by moving the second reading.

MR. BRUEN, in seconding the Motion, said, he would not detain the House by travelling again over the arguments urged in the very able statement of the hon. and learned Member for Limerick; but he wished to take that opportunity of stating how gratifying it was for Members on his side of the House to support hon. Members on the other side on such measures as this, which had for their object the social improvement of part of the population of Ireland. He would be glad if he could

*Mr. O' Shaughnessy*

more frequently join his hon. Friends opposite in passing Bills of this sort, and he could assure them it was conscientious motives alone which prevented them from co-operating more frequently in the measures they proposed. This Bill for the improvement of the social, and moral, and physical condition of orphan and deserted children seemed to him to be one that could not be opposed on its merits. It could not be denied that the State, standing *in loco parentis* towards children of this class, ought to fulfil, as far as possible, the duties of parents with tenderness and an anxiety that they should be well cared for. This result could only be attained by placing these children in the homes of the peasantry where their morals and health would be looked after. He could give a valuable illustration of the success of the system. In Ireland there had been for many years in operation a voluntary system for the care of orphans—he alluded to the Protestant Orphan Society. In every county in Ireland there was a Protestant orphan society, and in a great many counties, many years ago, institutions similar to industrial schools were built at great expense, in which these Protestant orphans were domiciled and taught trades. What happened? It was found from experience that the family ties and relations were so much more suitable for and conducive to the welfare of the children that these institutions were given up at great loss, and the children were now universally boarded out in the homes of the peasantry. In the county which he had the honour to represent the success that had attended this change had been most marked. He should have been pleased to have seen the limit of age extended beyond 13, but perhaps it was better in this matter they should advance by tentative steps.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. O'Shaughnessy.*)

MR. SERJEANT SHERLOCK entertained a strong opinion that before long the age would be extended to 16 years. That was the age now adopted in England, in Scotland, and in America; and therefore they ought not to be guided by the local feelings of the Boards of Guardians so much as by the concurrent experience of those who had given most consideration to the question in these

countries. He would remind the House that although there were many excellent reasons for continuing the system until the children attained the age of 16, the Act would not be compulsory; every case would depend on its own circumstances; all that was proposed was to give the Guardians power in proper cases to secure for the children a home until they were in a condition to support themselves. The age of 13 years was a dangerous one for sending children back to the workhouse, especially in the case of females, while if they could remain with the peasants for two or three years more they would be able to become independent by earning their own bread.

MR. SHARMAN CRAWFORD said, that although he was connected with one of the unions which had not adopted the system of boarding out, yet he had never been opposed to that system. But in his union the number of children in the workhouse was very small, and therefore it was differently situated in that respect from other unions in Ireland. Nor did he find that in their workhouses there was that mortality amongst the children which was said to occur in other places. This might be due to the fact of the large accommodation and airing grounds which were provided. As far as the principle of the Bill was concerned he gave his concurrence to it. He thought the age might well be extended to 13 years; but he saw no objection to 16 years.

MR. WHITWELL bore witness to the very satisfactory manner in which the boarding-out system had worked in his county (Westmoreland). Children had been brought down to the country in an unhealthy state, and they had greatly improved both physically and morally. Respectable families would not take girls from workhouses as domestic servants, but they would take boarded-out children without hesitation.

MR. WHEELHOUSE added his testimony to that which had gone before from both sides of the House, and strongly maintained the necessity for the adoption of this measure. For himself he wished the limit of age might be, if it were found reasonably possible, extended to 16, because he believed that the moment the feeling of workhouse life was broken off, and directly the child was made independent of workhouse ideas, he was placed on the lowest rung

of the ladder of social life, and was in a fair way of becoming, at least, a respectable member of society.

MR. A. PEEL said, he would hail with great satisfaction any extension to Ireland of a system which had worked so well in England and Scotland. From his experience when he was Secretary of the Poor Law Board he could testify to the enormous benefit conferred by the boarding-out system upon the child population of the workhouses. Ophthalmia and other contagious diseases which characterized the children in those days disappeared, and the workhouse taint was removed. But in extending the system in the way proposed he would caution the authors of the Bill that the whole value of the system lay in the regulations that would be imposed to prevent the danger of the children being farmed out. In the early days of the system in England there was great danger lest some scandals should arise in its administration and cause a reaction and an alienation of the public mind from a good plan. No foster parent should be allowed to receive beyond a certain number of children, and organized supervision should secure that the regulations were carried out. He was opposed to the extension of out-door relief, but he did not regard this as out-door relief in the ordinary acceptation of the term. His belief was, that the boarding-out system would do more to prevent permanent pauperism than any other method which could be adopted.

MR. ARCHDALL briefly supported the Bill. The system had been carried out with good results in his county (Fermanagh).

MR. M'CARTHY DOWNING considered the supervision of the children sent out a most important point. He regretted that the existing powers of the Poor Law had not been more generally acted upon. In his own union not more than two or three children within a long period had been sent out: the Guardians had taken the precaution to obtain from the relieving officer a report upon the state of the children, but they found that more supervision was required. He was not satisfied that the sending out of the children was an advantage to them in the way of education, for the system of education in the workhouses of Ireland was as admirable as could be devised, and the Reports of the Inspectors

gave great praise to the Guardians and the teachers. He hoped the Government would not pledge themselves to extend the age of 16. At present numbers of children were taken out at the ages of 13, 14, and 15 for various purposes who earned 5s. and 6s. a-week. If they were to be paid for up to 16 the ratepayers would soon become dissatisfied. Therefore, he thought it was wise on the part of his hon. and learned Friend not to go beyond 13 years.

SIR MICHAEL HICKS - BEACH said, he thought the hon. and learned Member for Limerick, in moving the second reading, had taken very proper ground in pointing out the difference between the principle on which his Bill was based and that contained in the Act 25 & 26 *Vict.* The 9th section of that Act contemplated the improvement of the provision for infants and very young children that would be effected by their being intrusted to the care of foster parents, instead of being brought up in the workhouse. That statute limited to the age of five years the discretion which the Guardians could exercise as to boarding out, and it was only with the consent of the Poor Law Commissioners that the system could be extended up to the age of eight. But by the Act of 1869 the discretionary power vested in the Guardians was extended—without any opposition, so far as he could learn—to children up to the age of 10. That change was made with the same object and on the same principle as the Bill before the House—namely, not only with a view that the children should be more healthily brought up, and that the mortality among them might be reduced, but also that they might afterwards remain in the homes of their foster-parents and never return to the workhouses. This was the principle which the hon. and learned Member sought to affirm and extend by the present Bill, and, so far as the principle of the measure was concerned, he was prepared to assent to it on behalf of the Government. The question, however, as had been pointed out by the hon. Gentleman opposite (Mr. A. Peel) and the hon. Member for Cork (Mr. M'Carthy Downing) was not without its difficulties. The system of boarding out was an excellent one if conducted in accordance with proper regulations and under proper supervision;

but it was also liable to dangerous abuses—dangers to the child, to the ratepayers, and to the Poor Law system. In the first place, it was necessary to guard against the dangers that might arise to the children themselves. The hon. Member for Warwick (Mr. A. Peel) referred to what had been done in England. At the time the hon. Gentleman was Secretary to the Poor Law Board this question occupied a considerable amount of public attention in England, and in 1870 the Poor Law Board accepted the principle of boarding out pauper children, subject to most careful regulation. The Board issued an Order containing such regulations, providing that in all cases where the Guardians of Unions adopted the system a boarding-out Committee should be appointed to supervise its execution, and that such Committee should consist of persons not deriving any pecuniary or personal benefit from the boarding out of the children. The regulations provided what children should be boarded out, before what age the Guardians should not be allowed to commence boarding out, a limit in the number of children to be boarded at any one house, an undertaking to be signed by the foster parent for the proper care and nurture of the children, and also providing for that important element, the education of the child, referred to by the hon. Member for Cork (Mr. M'Carthy Downing); providing also that no more than 4s. a-week should be paid to a foster parent for a child, that no child should be boarded out more than a mile and-a-half from a school, nor more than five miles from the residence of a member of the committee; and that he should be visited not less frequently than once in six weeks by a member of the boarding-out Committee. The regulations for the government of the Committee were minute and excellent, and the principle of the present Bill having been accepted, it would be necessary to guard its application in Ireland by similar regulations—he did not say precisely identical—to be framed by the Irish Local Government Board; because otherwise not only would there be the danger of the children not being properly treated by those with whom they were placed, but there might be also a danger which was aggravated by the suggested limit of age from 13 to

16 years—namely, that the ratepayers by making a weekly payment to certain persons for the maintenance of children old enough to be able to work for themselves, would, in fact, be giving a bonus to the foster parents, and enabling them to procure the labour of children at a cheaper rate than others; and in the case of children of the age of 16 might amount to giving out-door relief to persons able to earn their own living. Therefore in assenting to the principle of the Bill, he must not be supposed as assenting to the idea that the age should be extended to 16. On first considering the matter he had some doubt whether the age of 12 would not be sufficient, for that appeared to be the limit of age contemplated by the regulations in England. He readily assented to the second reading of that Bill, but trusted that the hon. and learned Gentleman would postpone the Committee for a few days so as to afford time for him to look carefully into the law on the subject, and suggest amendments in the Bill, enabling the Local Government Board to frame such regulations as were desirable.

MR. W. E. FORSTER said, he had come down to the House, understanding that the Bill might be opposed, and he felt that there was a strong case in its favour. He was glad, therefore, to find that there was only one feeling upon it—which was not surprising after the full and able manner in which the hon. and learned Member for Limerick had brought the matter forward. One advantage of the measure which had not been dwelt upon since the opening speech was that it was not only desirable that the children should be absorbed in the general population, and have the advantage of being brought up free from the stigma of pauperism, but also that the Guardians who were their natural protectors should not lose control over them at so early an age as 10. That was itself a strong argument in favour of the age of 13. He hoped the Bill would be read a second time, as it met a real evil. He would suggest, with a view to expedite the matter, that the hon. and learned Member who had charge of the Bill should communicate with the Chief Secretary, in order to insert in the Bill a clause relating to the drawing up of regulations by the Local Government Board of Ireland. He



thought there was a good deal to be said in favour of the limit of 16; but if the Bill was to get through this Session it would be well for its authors to accept the age of 13 at once.

MR. O'REILLY said, that the authors of the Bill would be ready to insert a clause providing for the drawing up of regulations. In respect to the remark of the hon. Member for Warwick (Mr. A. Peel) about allowing only a limited number of children to each parent, the Guardians of the Dublin Union never allowed more than two to be taken by one person. It would also be necessary to have a regulation absolutely requiring the attendance of such children at school, a certificate of such attendance being imperatively required in order to obtain payment for each child. Also it would be most advisable that there should be official visitors other than the relieving officer. The suggestion that the medical officer of the district should periodically visit and report upon the children was a most valuable one, and it would be well if volunteer inspecting committees of local ladies and gentlemen were formed under the Committees of the Boards of Guardians. On the subject of age he was glad that the Government had accepted 13, as he had a fear that 12 would be pressed. In the purely agricultural districts of Ireland he admitted that the children would be kept by the peasantry at the age of 12 without payment; but in that case the school attendance would be instantly stopped, and the child would be made to work every day in the year. On that ground, therefore, he thought it necessary to retain the age at 13. He wished to corroborate what was said by the hon. Member for Carlow (Mr. Bruen) as to the advantage which had been experienced in Ireland from the visiting of the children by volunteer committees.

MR. O'SULLIVAN urged the importance of pushing on the Bill this Session. He could confirm all that had been said as to the excellence of the boarding-out system; and if the Bill was not passed speedily a great many children would have to return to the workhouse, whom the remaining out would greatly benefit.

*Motion agreed to.*

Bill read a second time, and committed for Wednesday next.

*Mr. W. E. Forster*

# MEDICAL ACT AMENDMENT (FOREIGN UNIVERSITIES) BILL.—[BILL 36.]

(*Mr. Couper-Temple, Mr. Russell Gurney, Dr. Cameron, Mr. Forsyth.*)

## SECOND READING.

*Order for Second Reading read.*

MR. COWPER-TEMPLE, in moving that the Bill be now read the second time, said, it was intended as an exceptional remedy for an exceptional grievance which had been inflicted upon a class of persons who were especially deserving of the consideration of the House. A few ladies aspiring to get beyond the narrow routine of employment hitherto appropriated to their sex, had studied medicine and surgery with the hope of alleviating suffering and healing diseases, and of earning their own livelihood by the exercise of an honourable profession, but their persevering endeavours had been baffled by the simple fact that they were women; and though they got an abundance of patients, they were pertinaciously refused admission to the register, which conferred the legal title to practise. The necessity for this Bill arose from the fact that the existing law, as it was administered, did not deal fairly or justly with both sexes, and that the opportunities given by the medical corporations to enter the Medical Profession were restricted to men and denied to women. This was not the intention of the Legislature. The Act of 1858 spoke generally of "persons," and did not make any exclusion of female persons as compared with males. As he had framed and introduced the Medical Act, he could assert with authority that to no one who was concerned in the passing of that Act did it occur that there would be any exclusion of women from its benefits. He need not, however, dwell upon that, because, under the terms and operation of the Act, women had reached the register. The law required that the Medical Council should superintend the registration of all persons of the proper qualification, and it allowed at the first registration that those who had degrees from foreign Universities, and who had been practising previously to the passing of the Act, should have the right of being registered. Upon the passing of that Act, a lady who had obtained a degree of Doctor of Medicine from a

University in America was registered, and her name was still upon the register. Subsequently another lady who had passed the examination of the Apothecaries' Company were also placed on the register. But although the Statute permitted the registration of women, the conditions imposed by the Medical Corporations and by the Universities prevented them from being admitted to the register. Very soon after the Act was passed one lady proceeded to go through those studies which the Apothecaries' Society required previous to examination, and having made herself qualified, she applied for leave to be examined. The authorities were unwilling to admit her, but when they consulted their law officers they found that they had no power to refuse. Accordingly she was allowed to go before the examiners. She passed satisfactorily, and was now registered. But the authorities were so dissatisfied at finding that one of the other sex had taken advantage of their instruction and examination that they altered their rules so as to make it impossible for any woman to pass an examination again. They declared that henceforth anyone who had received an education, however good or complete, part of which had been given privately—as had been the case with the lady he had referred to—should not be allowed to be examined, thus taking the precaution that no woman should be admitted to the lectures which after that were necessary to make it competent for them to pass. Then the ladies who wished to enter the profession, finding the door of the Apothecaries' Society closed against them, tried to pass through the University of Edinburgh. There were in that University some gentlemen of liberal feeling, who hailed with satisfaction this desire on the part of the ladies to devote themselves to this useful Profession, and to obtain the advantages of University education. There were also in that University persons of less toleration, who looked with more prejudice upon the association of women with men in an honourable Profession. At the beginning, when the request of the five ladies was made, after some discussion, all the Governing Bodies of the University, including the Chancellor, agreed upon admitting them to be matriculated and to commence their studies. After they had gone through about half the course,

their opponents created difficulties which prevented them from completing their course of instruction. These ladies having been matriculated in the full expectation that they would be allowed to go through their course, and being refused, they were forced to apply to the Court of Session to enforce their contract. There they obtained a decision in their favour. The matter was afterwards carried by appeal to a higher Court, and decided against them by a bare majority of Judges, those of the highest position and reputation being in the minority. If the University had been willing to receive female students for instruction and examination, it would have been easy for them to have obtained such a change in their charters as would have enabled them to receive women; the majority of medical men in the University, however, were adverse to them; and the doors of the Scotch University were shut against the admission of ladies. But the ladies were persevering, and the next attempt was to establish a hospital in London in which female patients were cured by female practitioners, and a school of medicine. These were still in operation, and so far as they went they had been successful. Patients and students were plentiful; but the prejudices of the Profession had prevented either the school of medicine or the hospital from fulfilling the requirements for registration, and from leading to admission to the Profession. The institutions were not recognized; therefore any instruction that was obtained in the wards of the hospital and in the school, however useful it might be, would not help them towards obtaining certificates. The ladies then discovered that by charter the College of Surgeons in London were bound to examine candidates in midwifery; and the Medical Act provided that single qualification was sufficient for registration. Three ladies who had been educated in Edinburgh applied for examination, and obtained the assent of the Governing Body of the College of Surgeons. At last the aspirations of these persevering and laborious women seemed to be realized, and the legal right to practise within their grasp, but their opponents were up to the critical occasion, and baffled both law and equity by carrying out the policy of trade unionism to the extreme of a strike. When the time of examination arrived,

no examiners were to be found. The three medical examiners had resigned, and no one in the Profession would accept the office. This ingenious stroke of policy, so discreditable to the surgeons of England, had succeeded in withholding from these learned ladies their legal rights, and nothing but a *mandamus* from a Court of Law could give them redress. They had tried every available opening, and taken every chance. They had knocked at the doors of admission to the Profession, but found all of them closed against them, some of them slammed in their faces. They had suffered persecution, and there seemed to be no hopes of their obtaining what they wanted. This being the case, they had been obliged to look outside their own country. They had to look across the Channel to the Continent, and they found a very different treatment of female students. Although all these Bodies who represented the Medical Profession in England had determined in one way or another to prevent ladies from being educated in medicine or to prevent them from obtaining licences to practise, they found a more generous and tolerant feeling in other countries. In France they found that in the great University of Paris, which stood high among the Universities of the Continent, there was every willingness to enable women to study and take degrees. At this moment, out of about 20 lady students in the University of Paris, there were 12 who were English, Scotch, or Irishwomen. Several of the ladies who had been educated at that University had obtained degrees with honours, and had received permission to practice. In Germany effective provision was made for the higher education of women. The University of Vienna admitted students of both sexes. At the University of Leipsic there were many female students. In Switzerland the ladies found no difficulty in obtaining education and in passing examinations. At the University of Zurich there were 20 female students, and some were practising in England as doctors of medicine. In America the University of Michigan was open to women. Even Russia, the youngest country of Europe in regard to civilization, had got beyond England in one of the great marks of civilization, generous consideration for women. In St. Petersburg there was a large College

for Russian women to study medicine. It originated in the demand of Asiatic subjects of the Czar to have female doctors sent to them, because it was not in accordance with the habits of Orientals that male doctors should prescribe for women by means of personal visits. They had now in England four doctors of medicine from foreign Universities who were practising in London and Bristol. It was not necessary in a debate of this sort to enter into physiological questions, as to whether women were or were not by nature fitted to practice medicine—whether or not they had a sufficient proportion of brain or were physically capable of study—there was the fact, they had succeeded in foreign Universities, had gained honours and diplomas, had been admitted to practice. Neither need they discuss whether female doctors could get patients or not, because they had the fact before them that they had patients. In the hospital in Marylebone Road, to which he had already called attention, there were as many patients as the female doctors there could prescribe for. At a dispensary in Bristol there were 14,000 attendances of women and children in a year, although they had to pay a fee for advice. The number of patients was on the increase, and so far as the experience of the dispensary went, it showed that a real want was supplied by the female practitioners, and that their services were much valued. It seemed to him to be a great hardship that whilst there were female doctors of medicine practising in this country—proved to be qualified and experienced—they should by the operation of the law be unable to exercise their functions legally. This state of things ought to be remedied, and the present Bill proposed this simple course—that where women could show by diploma they had received from foreign Universities that they were perfectly qualified to practise medicine, they should be allowed to do so. One great objection made to this was that if they admitted women with foreign degrees to practise, then they must admit men under the same conditions. Well, that argument might come fairly from the mouths of the advocates of female suffrage; but he could not see the justice or consistency of calling for equality when it was to inflict injury on women, and

*Mr. Cowper-Temple*

totally disregard it when it was to operate in their favour. When a woman desired to be allowed to study the Profession and to pass an examination it was said—"There is no equality at all between men and women, and women are not to have the advantages which are given to men by the corporations or Universities." He need hardly point out to the House the difficulties to which ladies were exposed who went to foreign countries to study, the residence in strange places, with foreign habits, away from their natural protectors, and seeking instruction delivered in foreign tongues. One argument offered against his Bill was that it would be wrong to allow the qualification given by the foreign Universities to have force in England, because the Medical Council, who were to be the judges of qualification, could not control or influence these Universities. That would be a valid objection, he thought, if the Bill said that degrees of all Universities were to be held valid by the Medical Council; but in the measure he had only selected a small number of Universities of such acknowledged reputation that no one in the Medical Council or anywhere else could object to a degree they might confer as not being equally good with any degree from a University in the United Kingdom. But if it could be supposed possible that a slur or doubt should be thrown on the University of Paris or Vienna, Berne or Zurich, or there was reason to think their teaching or examination was not efficient or properly conducted, it would be easy to leave them out of the Schedules. But it was a mere abstract objection. The argument which really prevailed in the minds of those who opposed the Bill was the fear of the competition which would be introduced if females were admitted into the Profession. But he thought the fear on that point was exaggerated. The number of medical practitioners was diminishing; and if women were admitted, a larger number of persons would seek medical advice than at present. There were a great number of women—especially young women—who did not have medical advice at present from feelings of delicacy, because they would not go to men for advice. Then there was a large field of work open to women in India. That country would furnish employment for more women than

were likely to pass any examination under existing laws. There were probably 50,000,000 of Native women in India, Mahommedan and Hindoo, who would never allow a man to enter their apartment to prescribe for any ailment. The Indian Government had so strongly felt the importance of this matter that an attempt had been made in Madras and elsewhere to bring up a body of Native young women to the Medical Profession. They were trying to get female Professors to assist in teaching at schools of medicine. It would be a moral as well as medical advantage to Her Majesty's subjects in India that the Bill should be passed, for it would assist the Government in civilizing, enlightening, and Christianizing the Native women to have a large body of medical women, trained in England, to go forth to India and undertake that great work. If the opportunity they desired was given them, numbers of women would avail themselves of it. He proposed the Bill as a simple mode of meeting an obvious difficulty, and also of justice towards those who were practising without being enrolled. At present they were under a disadvantage. Any certificates they might give were not legal, and they were not acknowledged by medical practitioners—the ladies who practised were classed in the eye of the law as quacks, and those who had shown such intelligence by their study were classed, so far as the law was concerned, with the most ignorant impostors who had no knowledge or skill, except in the way of practising upon the credulity of simple-minded persons. He had not forgotten the Parliamentary Paper which was laid upon the Table of the House last year, in which the Medical Council dealt with this subject. That Council, which was composed of the representatives of the different branches of the Profession, had taken a wider view of the matter than the bulk of the medical men themselves. They said—"We cannot deny the justice and propriety of admitting women on the register if they are qualified." The Council seemed very adverse to interfering in any way with the existing examination or with licensing bodies; and assuming that it was possible to admit ladies without such interference, they turned their attention to the mode in which the difficulty could be got over. They proposed that there should be a

place where he, for one, hoped and trusted she would ever remain. It was not consonant with English ideas, and all we value most in domestic life, that women should go to the bedsides of all sorts of people as physicians and surgeons. It was not any question of professional jealousy, nor could his objection arise from any fear of competition. The fear that really did exist was on behalf of the welfare of the general community, and he trusted that the House would not listen to, or sanction, any such innovation as the one now proposed, and he would conclude by moving the rejection of the Bill.

DR. WARD, in seconding the Amendment, said, that those who opposed the admission of women to the Medical Profession were accused of doing so either from professional jealousy, or from sentimental motives. But he thought that the House would not cast a stigma on a great Profession, and on the leading men of that Profession who formed the qualifying Board, by holding them actuated by the mere selfish policy of a trades union. Then those who opposed it were accused of a sentimental objection. He had been engaged for some time in teaching that branch of medicine where this objection would be strongest—*anatomy*—and he had witnessed young ladies in the pursuit of that study. He must state, from what he saw, his original objection to submit young girls to this ordeal was greatly strengthened. Even young men were subject to a severe moral trial; and he thought if hon. Members really knew the state of things they would be very slow to subject young girls to such an ordeal. There was a difficulty which rendered the allowing of qualifying Boards to confer diplomas—a very serious objection. It was acknowledged by hon. Gentlemen on both sides of the House that the whole system of medical qualification and registration was at present in a very unsatisfactory condition. It was well known that the possession of a diploma and a registration was no real guarantee of capacity. As the House was well aware there were at present 19 qualifying Bodies in this country, competing with one another for the granting of degrees and diplomas. All these Bodies were entitled to have their qualifications registered, and thus got the

Government stamp upon them. Unfortunately several of these Bodies depended largely on the moneys they received for the passing of candidates. Hence had arisen between some a very unworthy competition, and we had some of them lowering the proper standard in order to win to their examinations numbers of candidates. This system had proceeded so far that it was not an infrequent occurrence for candidates who were rejected by one Board for utter incompetence to go almost immediately to another Board and get qualified, become registered, and thus be thrown on the public as State-qualified practitioners. He had called the attention of the House on a previous occasion to the subject, and the noble Lord the Vice President of the Council had acknowledged that it was a bad state of things, and much wanted remedying. Now, it was proposed to make the great change of allowing any of these qualifying Bodies to admit women to their qualifications. Surely, that was only greatly increasing the temptation, which had already been too frequently yielded to, for these institutions to lower the standard of efficiency, and send out to the country persons really unfit to undertake medical practice. What guarantee was there that, if any of these institutions were pressed for funds they would not flood the country with a large number of ill-educated and ill-qualified women? Before taking such a great step as the admission of women to the Medical Profession he thought they ought first of all to settle the grave state of things that existed as to proper medical qualification. He concluded by once more urging the very serious objections to the admission of young girls to the study of medicine, an objection which he believed the more it was looked into the more powerful it would prove, and the more fatal to such measures as those which they were now asked to pass.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Wheelhouse.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. HENLEY said, he wished briefly to state why he should vote for the Bill.

*Mr. Wheelhouse*

He would not attempt to go into the larger question which had been so ably handled on both sides of the House, but would content himself with referring to the present state of our population. Our death-rate had remained stationary for the last 30 or 40 years; while, in the same periods, there had been a falling off in the supply of medical men, on whom we must mainly depend for having that death-rate lessened. Independently of that, what had been the effect of recent legislation? No man was allowed to die and be buried quietly as a gentleman ought to be without a certificate from a duly-qualified medical man, to the effect that that ugly customer Death had done his work efficiently, and that he had had nobody to help him except some duly-qualified practitioner. As it was an imperious necessity that we should die and be buried, it was of some consequence that we should not be short of the number of those who were alone able to help the survivors as well as the departed. He had no accurate means of judging except from the Census; but what did the Census say on this matter? He found that in 1841 the number of physicians was 1,112 and the number of surgeons and apothecaries 14,767, making a total of about 15,800. The population at the period was 16,000,000 odd. But according to the Census of 1871 the total number of practitioners was only 14,600, although the population had increased to nearly 23,000,000. That, in his judgment, could not be regarded as a satisfactory state of things. Moreover, it should be remembered that our enormous colonial Empire absorbed a vast number of qualified practitioners who otherwise would remain at home. That was shortly the reason why, without going into the petticoat argument, he should vote for the Bill, for he believed it might do some good in promoting the health of the people, and was thus a step in the right direction, although it would not, he was afraid, open the door to a very large number of female candidates.

DR. LUSH, in supporting the Bill, said, he thought there had been great exaggeration on both sides. For himself, he could see no danger whatever in admitting women to the study and practice of the Medical Profession. To his belief under no circumstances could

females come into general rivalry with male practitioners; but if there was a feeling in society that the Medical Profession should be open to women, and there was from another point of view a large or even a small number of persons who objected to doctors on moral or sentimental grounds, this was a sufficient reason why Parliament should sanction the principle of the Bill. There was, undoubtedly, a great objection by medical students to admit women to study surgery with them; but those objections could be obviated by the arrangement of separate schools. It had been said that ladies might be admitted to take medical degrees with a view to their attending cases of their own sex, and to that he could not see any objection; but it did not seem to him that there would be any great demand for them. He admitted that to allow ladies to be registered who had taken degrees in foreign Universities might be regarded as an invasion of the rights of men who had studied the Profession and taken their degrees in this country; but there was nothing in this Bill that he could see that could be really objected to by medical men, and on those grounds and the important ground that in cases affecting the health of women and children their services would be of great value, he should give his support to the second reading of the Bill.

LORD ESLINGTON said, he intended to support the second reading on the broad, the intelligible, and, he hoped, the just ground that he would be no party to throw artificial impediments in the way of women obtaining a status as medical practitioners in this country. In his opinion, a lingering desire to maintain the monopoly of practice in the Profession lay at the root of the objections taken to this Bill; but the House of Commons was opposed to monopolies of whatever description. The hon. and learned Member for Leeds (Mr. Wheelhouse), with that skill and confidence that distinguished the Legal Profession, opposed the Bill, and asked why the British Parliament should be called upon to pass a Bill proposing to give special advantages and facilities to women to obtain medical education? His (Lord Eslington's) answer was, because we had placed women, by the harshness of our law, in a position of

disability, and Parliament having done so, Parliament ought to remove it wherever it was possible; and here all women asked was that those women who had received a medical education, and had qualified themselves for the Medical Profession, should be allowed to avail themselves of their education and skill. Parliament was jealous of what were called the rights of women. There were more women than men in England, and their opportunities of advancing in life were limited by the operation of the law, and Parliament should in its wisdom do all it could to assist them by removing impediments to their obtaining a useful and respectable means of support. Now, surely there was no branch of science in which women could be employed more advantageously to mankind than in the Medical Profession. It was not for the House of Commons to estimate the chances of their being employed. If there were a number of women courageous and self-denying enough to throw aside the natural feeling of timidity, ought Parliament to place impediments in the way of their reaching the goal of their honourable ambition? If there were a number of female qualified medical practitioners in this country, he believed that nine-tenths, if not the whole, of the opposition to the Contagious Diseases Acts would fall to the ground. For this reason alone he should like to see women admitted to the practice of medicine. He believed they were perfectly competent to do so. He knew that at the present moment there was a lady physician in London who was obtaining more fees than any male medical practitioner in the metropolis. In conclusion, the noble Lord remarked that women were perfectly competent to protect their own morality.

DR. CAMERON said, the success of the effort of the hon. and learned Member for Leeds (Mr. Wheelhouse) to prevent the women from entering the Medical Profession was, he was happy to say, extremely problematical. No question had made more rapid progress than this had done during the last few years. Two years ago the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple) introduced a Bill to enable Scotch Universities at their discretion to grant medical

degrees to women. Some high legal authorities, including, he believed, the Lord Advocate, had held that the Scotch Universities could grant medical degrees to women; but the Courts of Law decided that the University of Edinburgh did not possess such a power, and the women who had already graduated were thrown adrift. The Bill which he referred to was thrown out, and the right hon. Gentleman now adopted the only other alternative of allowing women who had obtained certain foreign degrees to have their names inscribed on the Medical Register of Great Britain. He regretted that the hon. Member for Galway (Dr. Ward) should have expressed an opinion that to allow women to practise the Profession would be subversive of all the established rules and usages of the Profession; but he would remind the hon. Gentleman that the Medical Council were not now hostile to the admission of women to the study of medicine. He trusted the right hon. Gentleman would not divide the House on the present measure, because he believed the division would be taken on a false issue. The Medical Council was now in favour of the principle of admitting women to the Profession, and he understood that that body was also prepared to support a Bill on the subject introduced by the right hon. and learned Gentleman the Recorder of London. Even the Government had been educated, for he believed the noble Lord the President of the Council stated plainly the other night that the Government was prepared to give the utmost support in its power to the Recorder's Bill. That Bill embodied everything that was proposed three years ago by the right hon. Gentleman the Member for South Hampshire. That right hon. Gentleman might then with perfect consistency withdraw the Bill at present before the House, and which was confessedly but a makeshift one, in favour of one which embodied all that he himself had originally proposed. He trusted, therefore, that on the present occasion the right hon. Gentleman would not press his Bill to a division if the Government gave the House an assurance that the measure introduced by the Recorder should be proceeded with.

MR. LYON PLAYFAIR: I regret that my right hon. Friend the Member

for South Hampshire (Mr. Cowper-Temple) should have spoken so much about the Medical Profession being opposed to allowing women to be placed on the Medical Register. I think my right hon. Friend has mistaken the strength of that feeling. There are no doubt many who think women are unfitted for the practice of medicine and surgery; and there are others who think the public demand for female doctors is much exaggerated. But there are few who have the selfish feelings ascribed to them by my right hon. Friend, or who would try to exclude women from the Profession in the desire to keep a monopoly of practice. There certainly have been considerable difficulties in adapting to the education of women institutions which were established for the education of men. This, however, would have occurred in regard to any Profession, such as the Law or the Church. In fact, as my hon. Friend remarked just now, public opinion and the opinion of the Profession have grown so rapidly within a year or two, that it is surprising so little prejudice and so little opposition have been shown. The steady and obtuse refusal which has been spoken of, was in reality a want of adaptation of the institutions to these purposes. In the case of the Edinburgh University the medical school is altogether insufficient for the purpose of educating men, and we have subscribed £80,000 in order to build a new medical school to receive the men who are desirous of admission. Therefore it was simply impossible to adapt our institution to the sudden influx of the other sex. This subject is, however, receiving the full attention of the Royal Commission on Scotch Universities, of which Commission I have the honour to be a Member. As a proof that my right hon. Friend was mistaken in thinking that the medical men opposed the introduction of women into the Profession, I may state that I have many hundreds of medical men in my constituency, and that I have not received from one of them a letter in opposition to this Bill. I have presented a Petition from the College of Physicians of Edinburgh pointing out the difficulty of carrying out this measure, but to the general principle that women, if they desire to enter the Profession, shall be able to do so in a proper manner, I have not re-

ceived a single objection. The two Universities which I represent, and both of which are interested in the training of medical graduates, have not petitioned against this Bill. Now, there are two Bills before the House. There is the Bill of the right hon. and learned Gentleman the Recorder of London, the principle of which is that the Licensing Bodies of the Kingdom should be allowed to admit women to practise medicine and surgery. That is a Permissive Bill, which may have large consequences if it is carried into effect. As the force of public opinion increases on this subject there will be found Licensing Bodies which will admit women to a place in the Register. Of this Bill of the Recorder's the Government have, I believe, expressed a general approval. If the Government were distinctly to state that they are really desirous that that Bill should pass this Session, I hope my right hon. Friend the Member for South Hampshire will not press forward his measure. I will give one or two reasons why he should not press it forward. There are several objections to his Bill. He gives to the Universities mentioned in the Schedule a right for any female graduate in those Universities to come to be placed on the English Register. But what do foreign nations do themselves? Germany, for example, will not take the imprimatur of the Universities of Berlin and Leipsic, but requires all candidates for the Medical Profession to pass a special examination to show that they know the practice as well as the theory of their art. Why, then, should we accept the degrees of those Universities without any such test in England? I can quite sympathize with those who would open a side door to admit ladies to the Profession, but it would be impossible to close that side door against male graduates, and, in that event, the Medical Registration Act would be broken through. The Bill of the right hon. and learned Gentleman the Recorder is amply sufficient, and I trust Her Majesty's Government will give facilities for passing it into law.

MR. STANSFELD said, that the principle of admitting women to the Medical Profession had been accepted by the Medical Council, and practically, therefore, the question was simply one of time. Sir William Gull had said there could be only two courses open—to re-



ject Mr. Cowper-Temple's Bill and shelve the whole question as regarded England; or to take up the whole question and accept the pith of Mr. Cowper-Temple's Bill. The Report of the Medical Council was perfectly clear, and not capable of any misunderstanding. Though they expressed an opinion that there were special reasons why medicine might not be a field suitable for women, they were not prepared to say that women ought to be excluded from the Profession. The practical question for the House was, not whether women in large numbers should study and practise medicine, but whether Parliament was justified in maintaining a law which prevented women from following the practice and rendering service to any who might desire to employ them. After the advances of the Government to the Medical Council, he believed that the Government intended to support the enabling Bill of the right hon. and learned Recorder for London, and he concurred with some of those who had gone before him in the opinion that if the Government would give that measure an efficacious support, it would not be advisable to divide upon the measure now before the House. He hoped his noble Friend the Vice President of the Council would be able to make a satisfactory statement to the House on this matter. He could not understand how the Government could address such a question as they addressed to the Medical Council at the close of last Session, and could receive such a reply, without coming under some kind of obligation to deal with this question. He therefore trusted his noble Friend would make some statement satisfactory to the House and to his right hon. Friend on this subject.

VISCOUNT SANDON: The discussion which has taken place to-day has shown that considerable interest is taken in this subject. Hon. Members have shown full knowledge of the gravity of the subject, and the general tone of the discussion has been of a moderate character, and has led one to feel that the proposal brought forward by my right hon. Friend is not one that the House is prepared to scout entirely. I will not enter into the general question of fitness or unfitness of women to enter into the Medical Profession, or to take a concern in the affairs of life generally, in the

same way as men do. The field is wide when we enter into that subject; but before we pass away from it, I must protest against some opinions which have been stated in the House, as to any necessary injury to the female character resulting from their being concerned in surgical or medical matters. I, for one, cannot forget the very distinguished services which the ladies of England rendered at the time of the Crimean War under Miss Nightingale, nor as representing Liverpool, the circumstances under which Miss Jones, one of the most delicate-minded and gifted of her sex, exerted herself at the head of one of the largest infirmaries at Liverpool—and I need not say what the duties of a surgical nurse are—and I never heard it stated for one moment that the delicacy, refinement, moral sense, and higher feelings of those women were injured by any service which they rendered. I have thought it right to say this, as some rather strong opinions have been expressed on this subject. As to our reception of this Bill, I must say at once we could not concede the principle of this Bill to women without proceeding in the very next Session to allow men to practice with foreign qualifications; and this, as the House is aware, would lead to a large and disputed question, and one on which great difference of opinion prevails, and in regard to which the Government are not prepared at this moment, or called upon at this moment, to pronounce an opinion. That alone would make it absolutely essential to refuse to accede to this Bill. It is absolutely impossible to legislate with regard to foreign qualifications for women alone. With regard to that point there can be no doubt as to the action of the Government. But I think it is right I should state what has been our course in this matter, so that the House may see we have not neglected the matter. During the last Session of Parliament, the Lord President of the Council, within whose Department these matters specially fall, wrote to the Medical Council. Now, when I allude to the Medical Council, I ought to remind the House that you cannot have a more important body as representing a great Profession. By universal consent they are admitted to possess the best and most acknowledged abilities from the three sister countries; so what-

ever opinion they give in their corporate capacity is one worthy of the highest and gravest consideration. This question of the Bill of the right hon. Member for Hampshire was accordingly referred by the Lord President to the Medical Council for their opinion. We said—"Before, as a Government, we give an opinion on the medical question, we ask the opinion of the Medical Council"—it being well understood that we did not bind ourselves to take their advice. We thought it greatly due to that important body that before we came to an opinion ourselves we should be at any rate in possession of the opinion of the Medical Council. That is really the position as between the Medical Council and the Government. The Bill was referred to that Council, and it is impossible not to be struck by their words—that they are not prepared to say that women ought to be excluded from the Profession. They stated various recommendations which they would make, supposing Parliament decided to admit women to the Profession, and one important observation of theirs was, that they thought care might be taken—care ought to be taken—for the sake of public order, that their education and examination should be separate from that of male students. That rather meets one of the objections to the Bill, showing, as it does, that the mixing of the sexes in the early days of student life would be avoided if the State thought it ought to be avoided. It would be obviously most undesirable that students, male and female, should be in association in our hospitals together during the period of lecturing. At various periods during the last twelve months the Government have also taken the opportunity of consulting privately with leading members of the Profession in London, and have had communication with deputations of those ladies who now do practise medicine—and I must be allowed to say that they were well qualified as individuals to adorn any Profession to which they may belong. After these consultations the Government became aware that my right hon. and learned Friend the Recorder for London proposed to bring in a Bill to enable the Corporations or Universities to admit women to the Profession. The Lord President referred this new Bill to the Medical Council, who replied, that as to the general principle, they adhered to what

they said last year; but with regard to the Bill itself, they made no objection, but proposed two or three amendments. In the face of what we knew of the opinion of leading medical men in London, and of the Medical Council, the Government came to the conclusion that it was their duty to assent to the Bill of my right hon. and learned Friend the Recorder for London, taking care to make it clear that it was permissive, not compulsory. They felt that the Bill, which seemed to be very acceptable to what may be called the two opposing parties, was a very fair compromise, and might be a useful measure. None of the corporations would be obliged to admit women unless they liked, and we engaged to see that this was made clear in the Bill. We also engaged to see that a Proviso was made that if women were admitted to the Register, they would not thereby necessarily be qualified to take their seats on the Governing Bodies of the University Corporations. It will be unnecessary to enter upon that wide subject. That was the decision of the Government in the matter as to their being enabled this Session to give that amount of active support which I suppose entails setting apart a day for the right hon. Gentleman's pleasure. Nobody would suppose that we could do so this Session; but so far as the Government is prepared to support a moderate enabling Bill, unopposed as it is by the Medical Council, or, as I may say, supported indirectly by the Council and members of the Medical Profession in London, and accepted by some of those ladies who have made themselves distinguished in this matter, the Government felt it right to take this step, and that is the position of the matter now. I hope, under these circumstances, my right hon. Friend will not press his Bill to a division. I have no other alternative, if he does so, than to oppose it on the part of the Government, as we would not admit the principle involved in the Bill of enabling foreign diplomas to give a pass to English practice.

MR. JOHN BRIGHT: I have heard the speech of the noble Lord the Vice President of the Council with pleasure; and there is only one sentence to which I could take exception, and that is where he rather discourages the opinion that the Bill could be passed during the present Session. The Minis-

try has a wonderful power to do anything it likes when it pleases, and from the discussion to-day it is clear the House is in favour of this legislation. We have heard it stated on the authority of the noble Lord that the Medical Council is in favour of the Bill; it is merely a Bill to enable the different Medical Bodies, if they choose, to make such arrangements as to them seems proper for the purpose of admitting women to study medicine, and if they have studied it, to commence practice. Therefore the object is simple; and the House is so far agreed, that I have no doubt, if the noble Lord will only look upon it with a favourable eye, the Bill may even be passed during the present Session. I am the more anxious to press this upon the House, because every year during which this matter is delayed a really serious injustice is inflicted upon somebody. There are, no doubt, some meritorious women who are engaged in study, and who are approaching the time when they may be able to go up for examination and commence practice. There are a great many women in this country who are suffering from maladies, or may suffer from maladies, who would be able to have the assistance of medical advisers of their own sex. Therefore, for the sake of meritorious women who are studying, and those who are suffering, the Government, having once made up their mind on this subject, could not do a wiser thing than do what they have to do at once. Though we have come nearly to the conclusion of the Session, there will no doubt yet be Bills of which we have not heard brought in and passed, and the Government can do the same for this. We may thus get rid of a matter which is an extensive injustice in the minds of some persons, and add to the character of our Parliamentary work.

SIR HENRY JACKSON also urged the Government to take up the right hon. and learned Recorder's Bill and pass it this Session, and quoted a report written by one of the ladies attached to the Hospital for Women to show that further delay and uncertainty would seriously prejudice the existing arrangements for study and hospital practice, which ladies could not afford to avail themselves of while there was any doubt as to their being allowed to practise when their education was completed.

*Mr. John Bright*

DR. O'LEARY said, at the proper time he would adduce good reasons why ladies should not be allowed to qualify at all.

MR. COWPER-TEMPLE expressed his satisfaction with the debate, as showing that the opinion of the House was in favour of dealing with the subject. He was much pleased with what the noble Lord had said. It made his Bill no longer necessary, and he would therefore propose to withdraw it.

Amendment and Motion, by leave, *withdrawn.*

*Bill withdrawn.*

INCREASE OF THE EPISCOPATE BILL.  
(*Mr. Beresford Hope, Sir John Kenneway, Mr. Thomas Brassey.*)

[BILL 11.] SECOND READING.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [16th February], that the Question then proposed, "That this Bill be now read a second time," be now put:—(*Sir Walter Barttelot.*)

*Previous Question* again proposed, "That that Question be now put:"—*Debate resumed.*

MR. BERESFORD HOPE: Sir, I trust the House will allow me very briefly to recall the circumstances under which it is resuming a debate which was adjourned on the 16th of February. On that, the earliest Wednesday in the present Session, I moved the second reading of this Bill, of which I had been in charge during the preceding Session, after it had gone through every stage in "another place" without a single division. I took charge of it under circumstances which have since assumed a very melancholy interest, for I received it from one as to whom however in past times there may have been differences of opinion as to his policy on some specific questions, now that he is gone, no Englishman, no Member of Parliament in either House, no gentleman can look back to without feelings of admiration and regret—the late Lord Lyttelton. He was a very old and intimate Friend of mine. He was one for whose loss my regrets are personal as much as public. For many years Lord Lyttelton had devoted his great intellect and unparalleled power of work, among

other questions, to this of the increase of the Episcopate. He had laboured at it through good and through evil report, and last year he had the satisfaction of seeing the principle for which he had laboured receive a special recognition in the triumphant and unchecked progress of his Bill through "another place." That Bill in its details was a compromise, and the result of much deliberation. In fulfilment of a promise made to him I have again brought it in in the same shape this year. Its scope is permissive, as I explained at the time. I have no prejudice for the permissive principle; but the question of the increase of the Episcopate, when an onward move was first ventilated, was not in so advantageous a position as it has become since. The matter was not ripe before the country, and the necessity of meeting the needs of the population by a more efficient machinery had not come home to the public mind. Any attempt, therefore, at that time, to bring in a definite measure, declaring that it was expedient to create a new See in this or that place, would in the hands of a private Member have seemed to be, I will not say impertinent, but exceedingly chimerical. It was necessary, however, to put the demand plainly before Parliament, and that was done in the shape of a permissive Bill; while if there is to be a permissive Bill, I must say I think that this Bill is about as safe a one as could possibly be passed. Indeed, the day after the debate, in one of those publications which claim the liberty of telling the truth to Members about themselves, I found myself handled in a way that I could not help being amused at. I was told that I had, first, argued in favour of the Bill, because it was likely to be so efficient, and next because it was so well guarded against any extensive application; and I must say that, trying to look impartially at the matter, that was at least a plausible picture of what the debate might have seemed to a not very enthusiastic backer. The Bill bristled with safeguards. The endowment comes first of all, and then the scheme, backed by the promise of money, has, to begin with, the Ecclesiastical Commission, and I am sure that no man in this House would dare to say that the Ecclesiastical Commission is a very yielding, facile, or sleepy body of men. Then, after a

scheme for the erection of a new Bishopric has been submitted to the Commission, it has to go before Her Majesty in Council, and would come, of course, under the purview of the Attorney and the Solicitor General and the Home Secretary, and then it would have to lie upon the Tables of the two Houses of Parliament. Still, the cry was raised that, because it was permissive, it was a vague Bill. Another objection, which, I must say, stands upon stronger ground, is that upon which my hon. and gallant Friend the Member for West Sussex (Sir Walter Barttelot) moved the Previous Question, which is immediately before the House, and upon which at this moment I am technically speaking. This is, the assertion that a measure of this sort, involving a considerable change in the Episcopate, including some modification of the system on which Bishops sit in the other House of Parliament, ought to be in the hands of the responsible advisers of the Crown, and not of any private Member. Now, that is a principle which I should be the last to contend against; only I must plead in reply that I took it up in this House, and that Lord Lyttelton before me took it up "elsewhere," because the Ministers of the day would not undertake it. Neither he nor I, nor any of our supporters, would have thought of putting ourselves in that position, if we had not felt that, unless private Members of the two Houses of Parliament stepped into the breach, public opinion and Ministerial action would not have been adequately roused upon the matter. Thus I contend that the work which we did then was eminently successful. Our Bill was, in truth, a pilot balloon. It was sent up, and I hope it has led the way to something more substantial. In the previous debate my right hon. Friend the Home Secretary, while urging arguments against the details of this Bill, which, however, I am not now concerned to controvert, I will not say made a promise—I do not hold him to that—but certainly held out a very strong expectation that Her Majesty's Government might see their way to propose a moderate and a specific addition to the Episcopate. I understood those words then, as I stated in the few remarks which I offered on the Motion for Adjournment, made by my hon. Friend the Member for the City

of Oxford (Mr. Hall), to imply not that we should have a series of single Bills, however admirable or useful as stop-gaps, such, for example, as the Bill which many years ago established the See of Manchester, and the Bill of last year—which established under certain conditions, unhappily not yet fulfilled, the See of St. Albans; but a measure that should take in the whole country, and place a few more Bishops on spots where they were really needed. Since that time, my right hon. Friend the Home Secretary has apparently deviated from what he said then; but I will do him the justice to say that his explanation shows that the deviation is merely apparent. He has since brought in a Bill for the erection of a single Bishopric at Truro; but the reason which he gave was the practical and satisfactory one that a large portion of the contingent endowment of the new See was dependent upon the chances of a single life, so that any delay might lose it. This appeal to us what in February, had trusted to his bringing in a pluralist Bill, was clear and straightforward, and therefore irrefragable. We shall give our hearty support to his Bill for erecting the See of Truro; and now, in return for that, we hope that he will give us an assurance which will be equally satisfactory to those who desire to see something like a step taken to meet the increase of the population, the increase of commerce, the increase of activity in the people of this land, by providing for a corresponding increase of spiritual superintendence. I am not arguing for a measure to create anything in the shape of a "big Bishopric." A big Bishopric may be a very excellent thing or not; but it would be an altogether new thing in England, and I am not suggesting it proposing new ideas. All I contend for is that taking into account both the size and the population of the existing Sees, a few more Bishops should be created, which, as far from being big Bishoprics or Bishoprics in a different sense from those which we now have, would be Bishoprics with sometimes a larger area and always a larger population than some of the smaller existing Sees—Exeter or Lincoln, Norwich, Bangor, and St. Asaph's. The question is not for it more more Bishoprics would be a great relief to the Church, though I believe that as many

as six are needed. Still, I will not press Her Majesty's Government to go so far as that. I merely mention that as what is not only my own feeling, but that of many other Churchmen who are equally interested in the matter, who have since, and in consequence of the debate in February, thought over and investigated the question, and to whom it seems that six new Bishops would not overload the Episcopate with Bishops waiting for their turns to come into the House of Lords; that it would not create a senile class of Bishops in the House of Lords; for no one of those Bishops could not have been made a Bishop unless the See had first expired, and therefore the average age of a Bishop on becoming a Member of the Upper House would not be very much raised. On the contrary, it might lead to younger men being admitted into the Episcopate. It would not alter the status of the Bishop, but only regulate the number of Sees in the population. Those who can look back 20 or 25 years must remember how an energetic and enterprising citizen of Newmarket in Essex, the late Sir John Fife, brought much public attention to bear upon the necessity of separating the growing and improving county of Northamptonshire from its area of 1,200,000 acres, its vast mineral wealth and great population, from the See of Durham; and every year which has since elapsed has witnessed an increase of the population and added more to the demand. Lancashire with its enormous See of Manchester and the increasing nature of the rapidly increasing Liverpool, which still remains in England, is a crying evil. Some active steps have now been taken at Liverpool to meet this want. The separation of Northamptonshire from the See of London may be made a permanent arrangement. A Provision in Warwickshire, making it Birmingham and Coventry is a measure even to be seriously put forth there would be no doubt. Steps were also taken last year through the Ministry to do the same thing at another place viz. at West Hampton if possibly you will let me say that we ought have looked to some measure which was suggested to St. Albans and a better and more complete measure than leaving to someone else the management of St. Albans or the supervision of Bedfordshire.

—he could have seen his way to the creation of a Bishopric of Southwark for the county of Surrey, with its more than 1,000,000 of inhabitants. He could then have assigned all West Kent, of which so much is suburban ground, to the See of Rochester, and thus relieved the Archbishop of Canterbury from a large portion of his diocesan duty, and in proportion left him free for the “care of all the Churches” which specially appertain to the metropolitan See. I do not ask my right hon. Friend whether he would accept such a scheme. I merely throw it out as a moderate suggestion; but if less were proposed by the Government, it would be thankfully accepted by the Church, though that which I have glanced at would be still more acceptable. But, with the *quasi*-promise of my right hon. Friend before us, with the strong expression of opinion on the part of the House in favour of the principle of an increase of the Episcopate, as shown by the large majority which it gave my hon. Friend the Member for Oxford on the Adjournment, what is the course which has been taken by the hon. Member for Swansea? My hon. Friend is never tired of telling us that he is a Churchman, and asseverating that he is not a Nonconformist, while he shows his zeal for the Episcopacy, like fanciful invalids who refuse to send for the doctor, by objecting to every proposal for its extension. His Churchmanship seems to be of a homœopathic character, for in looking upon Bishops as the regular practitioners he is anxious to see as little of them as possible. When, on the 16th of February, my hon. Friend the Member for Oxford moved the Adjournment of the Debate, the House generally was prepared to grant the Adjournment, which I should have accepted heartily. That would have been a very satisfactory conclusion of the matter; but the hon. Member for Swansea would not let well alone, nor keep himself quiet without forcing a division. Thereby he showed how enormous was the majority in favour of an increase of the Episcopate. Some advocate it in one shape, and some, like my hon. and gallant Friend the Member for West Sussex, in another, but the favourable feeling is overwhelming. After what has taken place, however; after that expression of opinion by the House, I shall

not feel it to be my duty to press the Bill to a division; but I trust that we may have some further and more definite declaration from the Home Secretary on the subject. At the proper time I will move that the Order for the Second Reading of the Bill be discharged.

MR. SPEAKER reminded the hon. Gentleman that “the Previous Question” had been moved as an Amendment to his Motion “That the Bill be now read a second time.” He could not, therefore, withdraw the Bill until the Amendment was withdrawn.

COLONEL MAKINS said, he hoped the Government would be able to see their way to passing some measure in the larger form in which the hon. Member for the University of Cambridge had presented it. He was sure that the provision of facilities for the increase in the number of Bishops would stimulate private benevolence in providing the funds for their endowment. He could assure the Government that there was a great desire in favour of a general measure for the increase of the Episcopate.

MR. ASSHETON CROSS said, he had never concealed his opinion that in a matter so nearly affecting the relations of Church and State any measure for the increase of the Episcopate ought to be brought forward by the responsible Ministers of the Crown; nor had he ever concealed his opinion that the time had certainly come when there ought to be a moderate increase of the Episcopate. He was not in favour of appointing too many Bishops; but no one who knew what an immense amount of work the Bishops were now called upon to perform could doubt that some moderate addition to their number was desirable. No scheme, however, ought to be brought forward by the Government without very careful inquiry and investigation—because any measure of this kind ought to be looked upon as a settlement of the question and one that ought not to be re-opened again for some time. The general feeling of the House on the former debate had certainly appeared to be in favour of an increase in the Episcopate:—he did not remember, indeed, to have seen for a long time a greater oneness of feeling than was exhibited when this Bill was under discussion in February last. His opinion was not only that any Bill for the increase of the Episcopate should be brought forward on the responsibility of



SIR EARDLEY WILMOT, in deference to the appeal made to him by the Under Secretary for the Home Department, consented to withdraw the Bill.

Order discharged:—Bill withdrawn.

And the House having gone through the Unopposed Business on the Paper—

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

Thursday, 6th July, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—Medical Practitioners \* (157).

*Second Reading*—Commons (139); Saint Vincent, Tobago, and Grenada Constitution (156).

*Committee—Report*—Elementary Education Provisional Order Confirmation (Cardiff) \* (142).

*Third Reading*—Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation (120); General Police and Improvement (Scotland) Provisional Order (Lerwick) \* (122), and passed.

COMMONS BILL.—(No. 139.)

(The Lord President.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND AND GORDON: I wish, my Lords, to say a few words in reference to the measure to which I shall ask your Lordships to give a second reading, because I consider that few measures have been brought under the consideration of this House which affect more closely the interests of so large a proportion of the people of this country. In the first place, a Bill of this kind affects the lords of manors, it affects the rights of the commoners, and it affects the general public, who have, so to speak, no legal right in the commons, but who have for a considerable period had all the advantages and benefits which may be derived from large open spaces in the way of recreation, enjoyment, and health. When Her Majesty's Government came into office their attention was called to the state of matters with regard to inclosures in this country,

and I am bound to say that we found them in a most unsatisfactory condition. We found that many schemes had been recommended by the Inclosure Commissioners, and that those schemes had not been ratified by Parliament. We found, in fact, that since the Report of the Committee of 1869 no scheme had been passed by Parliament; that there was a General Inclosure Act which was passed in 1845, and that no inclosures—at all events, no inclosures within a very recent period—had been made under it. Practically, therefore, the Act of 1845 had become a dead-letter; and persons had been put to expense in carrying out all the preliminary and necessary inquiries required by that Act, while, at the same time, they derived no benefit from the money so spent, Parliament having indicated in a manner not to be misunderstood that until the general law relating to inclosures was amended and revised no scheme for inclosure would be sanctioned. This unsatisfactory state of affairs naturally led to injury as well as dissatisfaction. The Committee of 1869 also intimated that it would be necessary that accurate information of all the uninclosed waste lands of the country should be furnished to Parliament before Parliament could be expected to deal with the matter. That Return has now been presented, and it appears from it that there are in high districts 520,356 acres apparently cultivable, 1,425,336 acres unsuited to cultivation, and 34,585 acres of common field; while in low districts there are also 363,633 acres apparently cultivable, 59,140 not suited to cultivation, and 229,722 of common field. Therefore, the information which was deemed necessary before Parliament should deal with inclosures having been obtained, it seems that now is the proper and fitting time to take up the subject. Previous to this Return being furnished in the Report of the Commissioners, the Secretary of State for the Home Department in 1874 brought in a Bill for the purpose of confirming a number of schemes which were waiting for confirmation, and, although some of these schemes were not objected to, my right hon. Friend felt that to pass the measure which he then had in view would occupy the whole of the Session, and accordingly he reluctantly gave up the Bill in that year and devoted his energies to a measure for the purpose of amending and



revising the law, and this measure is the one I am about to ask your Lordships to read a second time. Before going into the details of the Bill I may mention that this is a question which has been occupying the attention of Parliament for a very great number of years, and that very interesting inquiries have been instituted from time to time—and even at the close of the last century and the beginning of this century—with respect to the inclosure of commons: the object being, at the earlier period to which I have alluded, to encourage inclosure as much as possible with the view of promoting agriculture and so increasing the food of the people, and also in order to find employment for the soldiers who were then about to be discharged at the close of the war. With your Lordships' permission, I will read two short extracts from the Reports of two Select Committees which sat at the close of the last century, because they are interesting as showing what a remarkable change has come over this country on this very subject of the inclosure of commons. The first Report of the Select Committee of the House of Commons on Waste Lands in 1795 said—

“As there is reason to believe that by taking early measures to promote such improvements those lands might not only be speedily brought into a state of cultivation, but might be improved in such a manner as to yield a considerable addition to the stock of provisions for the maintenance of the people in the course both of the next and of the succeeding years, and more particularly to furnish a very large addition and supply of potatoes, when such soil is particularly desirable—namely, for the production of the ensuing harvest can be ready for consumption, your Committee thought it necessary to lose no time in submitting to the consideration of the House the general information to which they have already referred, together with the opinion they have been led to form thereon.”

Two years after that—in 1797—the Select Committee reports in the following way:—

“Your Committee cannot too strongly recommend to the House an immediate attention to this important subject. Every means they are of opinion ought to be taken for adding without delay from at least 150,000 to perhaps 300,000 acres to the land now in cultivation, as the only effectual means of preventing that importation of corn and disadvantages therefrom by which this country has already so deeply suffered.”

Matters have certainly very much changed since that Committee sat. They go on to say—

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“It is more particularly necessary to carry such a measure speedily into effect, because might be of the most essential public service such as the present war is concluded to have important a resource opened at home for the employment of our gallant soldiers, who might be dismissed when such an event takes place and to whom the cultivation and improvement of the territory of the country would furnish the most valuable and useful of all occupations.”

Therefore, in those days the object of the inclosure of commons was first all to set this country perfectly free from the necessity of looking to foreign countries for the importation of corn, and next to provide employment for our soldiers when they were no longer wanted. Of course the amount of land then not in cultivation was very great and although it was at that time a question of food for the people and employment for the Army, the matter I think, now assumes a very different aspect, and the object which one has is a great degree in view in dealing with this subject is the health and recreation of the great body of the poorer classes in this country. In fact, what we desire is the regulation of commons more than the inclosure of those spaces; and this we have set out in the Preamble of this Bill, which says that—

“Inclosure in severalty as opposed to regulation of commons should not be hereinafter made unless it can be proved to the satisfaction of the said Commissioners and of Parliament that such inclosure will be of benefit to the neighbourhood as well as to private interests, and to those who are locally interested in any such commons.”

These are the views with which we have brought forward this measure; and our object is the regulating of spaces which may be convenient for purposes of health and recreation. In 1801 an Inclosure Act was passed called the Inclosure Clauses Consolidation Act. That Act was to be incorporated with every private Bill that was passed for inclosures and I think that within the last 40 years no fewer than 20 Acts have been passed relating to this subject. Passing down from 1801 to 1845, we have the General Inclosure Act, in which the proceeding by Provisional Orders was established those Provisional Orders having subsequently to be confirmed by Parliament. That General Inclosure Act it is our duty now, as we conceive, to endeavour to amend and revise. In 1865 a Select Committee sat to consider the question

of the open spaces near the Metropolis, and the result of that Committee was that an Act was passed commonly called the Metropolitan Commons Act, which excluded from the General Act all those places within the Metropolitan Police District; and by the operation of that Act the lords of the manors cannot inclose except by means of a Private Bill or by the Statute of Merton, and also with the consent of all the commoners. It has been suggested that we could accomplish the object we have in view by extending the Metropolitan Commons Act to all the other parts of the country; but that plan does not commend itself to us as a proper mode of dealing with the matter, and we have put it entirely on one side. The Committee I have previously referred to, which sat in 1869, went very carefully and fully into this matter, and made various recommendations of a most important character, and it is upon the Report of that Committee and upon their recommendations that this Bill has been specially framed. We have looked most carefully into the Report of the Committee of 1869, and I believe it will be found that the provisions of this Bill most strictly and accurately carry out all the recommendations which were made by that Committee. My Lords, the principles upon which we have acted in preparing this Bill have been, in the first place, to maintain all existing rights. We preserve the rights of lords of manors, we preserve all the rights of commoners, and we set up no new rights. We do not propose by this Bill in any way to prevent inclosures being made. We think the same opportunity should be afforded to lords of manors and others under this Bill as they have enjoyed hitherto for making inclosures. We say, if lords and commoners are satisfied with the existing state of things, we are content to leave them entirely untouched: but we say, if they are unsatisfied with the existing state of things, and if they want to come to Parliament to obtain a remedy, we do not think it unreasonable that in the interests of the public, the health of the people, and on general sanitary grounds, some arrangements should be made with them for the comfort and enjoyment of the poorer classes. We give, therefore, to the Urban Sanitary Authority a right to appear before the Inclosure Commissioners, and we

give them the power to undertake the management of commons. We also allow them to contribute out of local funds, as the subject concerns the health of the people. It is not my intention to weary your Lordships by going through the various clauses of the Bill, but your Lordships will observe that due regard is given in it to the rights of all parties, and especially to all sanitary points. These are the general principles on which we have drawn the Bill—mainly, as I said before, upon the Report and recommendations of the Committee which sat in 1869. We think that the mode in which we deal with the procedure under this Bill is one which ought to commend itself to your Lordships' approval. We wish that every possible facility shall be given to all parties who may be affected in any way by a proposed inclosure or regulation of commons. In the first place, the parties who seek to have alterations made are to apply, in the first instance, to the Inclosure Commissioners, and if the Inclosure Commissioners think that a *prima facie* case has been made out for complying with the request, they may send down Assistant Commissioners to investigate the case upon the spot. Every care is taken that due notice shall be given in order that all parties interested may have an opportunity of stating their case for or against the proposal; after the Assistant Commissioners have so taken evidence upon the spot they will report to the Inclosure Commissioners, who will weigh the evidence thus brought before them, and if the Inclosure Commissioners think that the proposal ought to be made the subject of a Provisional Order, and subsequently be included in an Act of Parliament, they will certify that to Parliament. It is proposed that this Provisional Order shall undergo the investigation of a Select Committee, which might be appointed at the commencement of every Session for the purpose of dealing with these matters. In fact, we propose that the inclosure and regulation of commons shall be dealt with exactly in the same way as turnpikes are now dealt with in the other House of Parliament. From the experience of the manner in which that system has worked, we think it would work equally well and beneficially in dealing with the inclosure and regulation of commons. I do not think that I should be

justified in going further into the details of the Bill—those are matters which are better dealt with in Committee—but I may express a hope that your Lordships will give this Bill a second reading, because if you do so you will confer a great boon upon all the poorer classes of the community, and add very much to the health, the recreation, and the enjoyment of the people.

*Moved.* "That the Bill be now read 2d."  
—*The Lord President.*

THE DUKE OF SOMERSET said, it was agreed on all hands that something must be done on this subject, and he was glad that the Government had brought forward this measure. It was to be observed that a very few years ago there was an outcry for inclosure—it used to be said if the waste lands in this country were given to the poor to cultivate, it would prevent the necessity of emigration to Canada, Australia, and New Zealand. Well, that delusion had been dispelled by the discovery that the greater part of the land open to inclosure was not worth cultivating. We had, therefore, now got to another stage of opinion, a little too much on the other side. For instance, it was now provided that, in the case of commons within six miles of a town, the inhabitants should have a right of interfering on a question of inclosure. A common at six miles' distance from a large manufacturing town in the North of England might be of great use to the inhabitants of that town, but he could not imagine that an inhabitant of one of the towns in the West of England, after a day's work, would walk 12 miles to have a game of cricket. The distance named was excessive. He regretted to perceive that the Bill preserved what was called the right of turbarry. He thought that was a defect in the Bill—"turbarry" was simply piling away the turf in such a manner that it would take a hundred years to recover—which, in fact, revived the common without giving as much turf for fuel as was worth cutting. Another defect in the Bill was that, whereas at present a lord or a manor who owned one or two farms adjoining a common could make a small inclosure for the purpose of building some cottages thereon, under this Bill he could not do so without publishing a notice that he intended to make such inclosure. With

regard to commons near considerable towns or populous places, he thought it was most desirable that they should be kept for the recreation of the people, but he thought the Bill in some respects went beyond that. However, on the whole, he agreed with the principles of the Bill.

THE EARL OF KIMBERLEY hoped their Lordships would receive the Bill as a settlement of a question which had engaged the attention of Parliament for a considerable time. He trusted the Government would not, in consequence of the observations of the noble Duke (the Duke of Somerset), be disposed to make the Bill less effective than it was. He regarded Clause 8 as containing the most valuable provisions of the Bill. He did not agree with the noble Duke that the proposal to bring within the operation of the measure all commons within six miles of any town was too extensive. Comparatively small towns were daily increasing in size, and if commons within six miles of them were permitted to be inclosed we should find in a short time that all the open spaces that were necessary for the recreation and the health of their inhabitants had been built over. Under these circumstances he thought that the six mile area should be maintained. He had heard with regret the remarks of the noble Duke (the Duke of Richmond) with regard to the clause relating to inclosures by consent, because he had intended to propose an extension rather than a limitation of its provisions. He thought the provisions of the Statute of Merton in the matter required revision. Inclosures by consent had been carried into effect very largely, and had in many instances, such as in that of Plumstead Common, given rise to riots and disturbances. He desired that the rights of all parties should be preserved, but that they should be enforced in a legal and orderly manner, and, therefore, he should propose that in all cases where commons were situated within six miles of a town having 5,000 inhabitants the Urban Sanitary Authority should have power to interfere, and, if necessary, to obtain an injunction against parties who were attempting to inclose such commons illegally. Great advantage would result from the being a public authority who would have power to interfere to prevent the illegal inclosure of these open spaces.

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which there was a great temptation in the neighbourhood of large towns to devote to building purposes. The advantage of having such bodies who were in a position to resist encroachments of that character had been exemplified in the case of Epping Forest, which would have been inclosed had it not been for the course taken by the Corporation of London. When the Bill got into Committee, therefore, he should move an Amendment giving the Urban Sanitary Authority powers such as he had indicated. The principle of the Bill was new, and was very good, it being based upon the doctrine that inclosures were not of themselves desirable, but should only be permitted in cases where the Commissioners were of opinion that they would be for the benefit not only of the lord of the manor and of the commoners, but of the neighbourhood generally. He trusted that the measure would speedily become law.

LORD REDESDALE said, the noble Duke (the Duke of Richmond), in moving the second reading, stated that the Bill maintained all existing rights and conferred no new rights. He desired to know how the noble Duke reconciled this statement with the 19th clause. The 19th clause authorized the Inclosure Commissioners to require allotments for exercise and recreation and for field gardens to be made upon "any inclosure of a common which is subject to restricted rights of common in like manner as where the common rights are unrestricted." It seemed to him that if the House sanctioned this clause, they not only interfered with existing rights, but set up the dangerous principle of empowering the Inclosure Commissioners to take property from those to whom it undoubtedly belonged in order to give it to those who had not the shadow of a title to it. It was not simply because three or four persons had neglected to exercise their undoubted right to inclose, and had been content to let their cows pasture in common, that a part of their land should be taken from them and given to others who had no rights whatever over it. To adopt such a principle would, in his opinion, be extremely dangerous.

VISCOUNT MIDLETON said, that this was really a very large question, involving many interests. There were within one mile of their Lordships'

House, in the county of Surrey, 600 different pieces of uninclosed land, and there were thousands of acres which might be turned to profitable occupation. Much of the waste land was not worth cultivating, but there was a great deal that might be turned to profitable account in one way or another. Surely it would be for the benefit of the community at large that this large amount of land should be brought into use, rather than that it should be condemned by Act of Parliament to remain unproductive for ever. The property was, perhaps, of little value for agricultural purposes; but the way to reclaim it was to place on it cottages or small residences, with gardens attached, and by these means the land would certainly in the end be redeemed from sterility. It struck him, in reading the Bill, that there was one point on which injustice would be done by it. The Bill provided that all commons within six miles of a town of 5,000 inhabitants—measured, he supposed, on the Ordnance map (for the Bill omitted to state how the measurement was to be made)—were to be maintained. If they took Guildford, or Dorking, or Reigate, each the centre of districts in which there were thousands of acres of common land, it was surely not intended to give those towns a veto on the inclosure of any common within six miles of them? There were, however, difficulties in the opposite direction. It was provided by Clause 14 that, for the improvement and protection of commons a portion not exceeding one-fortieth part, or  $2\frac{1}{2}$  per cent, might be sold to pay the expense; but in Surrey, where these lands were of very small value,  $2\frac{1}{2}$  per cent would not be sufficient. If 5 per cent were allowed it would give some chance for the formation of a fund sufficient to pay the expenses of a proper improvement of the common. Again, in the Bill a valuable source of income was neglected. There ought to be a power to let off allotments of these waste lands to the poor, which, under proper regulations, would be an immense boon, and would produce a considerable sum to expend on the regulation of the remaining portion of a common. He believed that many of the poor would willingly pay a fair rent for small allotments, which might be applied to the general purposes of any park. He thought the Commissioners ought to

have full power of dealing with each case as it arose, and believed that the main principles of the measure would meet the approval of all those who took an interest in the matter.

THE DUKE OF RICHMOND AND GORDON said, he was much gratified at the manner in which the measure had been received by their Lordships. He would promise that the suggestions which had been offered should be carefully considered, and, if necessary, embodied in Amendments that would be introduced when the measure had reached a later stage. He might state that the 8th clause, to which such repeated reference had been made—that giving the six-mile limit—was introduced into the Bill in consequence of the recommendation of the Committee of 1869.

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Tuesday next.

ST. VINCENT, TOBAGO, AND GRENADA  
CONSTITUTION BILL—(No. 156.)

(*The Earl of Carnarvon.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF CARNARVON, in moving that the Bill be now read the second time, said, a few words of explanation would suffice. These Islands, which hitherto had had Constitutions after the West Indian type, desired to exchange them for a constitution similar to that in Crown Colonies. Tobago had abrogated its Constitution—which, however, it had no power to do—and Grenada had repealed the Act under which it existed, and they now, in conjunction with St. Vincent, sought to be re-constituted by this Bill, which fully accorded with the wishes of the people.

Moved, "That the Bill be now read 2<sup>a</sup>."  
—(*The Earl of Carnarvon.*)

THE EARL OF KIMBERLEY said, he did not like the second reading of the Bill to be agreed to without saying that he was glad these Islands were to have a better Constitution, and after the manner proposed by this Bill. It was creditable to the authorities of these Islands that they should have voluntarily come forward and asked the Go-

*Viscount Midleton*

vernment to place them under a better constitution.

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House To-morrow.

METROPOLIS (WHITECHAPEL AND  
LIMEHOUSE) IMPROVEMENT SCHEME  
CONFIRMATION BILL—(No. 120.)

(*The Lord President.*)

THIRD READING.

Order of the Day for the Third Reading, read.

THE DUKE OF RICHMOND AND GORDON, in moving that the Bill be now read a third time, said, he desired to refer to the objections made by his noble Friend (the Earl of Shaftesbury) on a former evening, to the effect that no houses should be pulled down in the locality without due notice to the inhabitants, in order that they might have sufficient time to provide themselves with dwellings before being displaced. He concurred in the remarks of his noble Friend, but thought he should be able to remove any objections that existed in his mind. His noble Friend would see that by the 11th section of the Artizans' Dwellings Act, where any buildings were required to be pulled down in carrying out any scheme, the local authorities were bound to give the inhabitants 13 weeks' public notice before the pulling down of their dwellings was commenced; and if such notice were not given the inhabitants were empowered to make application to a justice of the peace, or to the Secretary of State for the Home Department. Therefore, no pulling down of houses could take place until the inhabitants of them had the legal notice provided in the Artizans' Dwellings Act. Thus, in the first place, there must be notice given; and, in the second, the houses to be built must be in accordance with the rules of the Metropolitan Board of Works, and—in reference to some further remarks of his noble Friend—they must be arranged so as to have a proper water supply, and in accordance with sanitary regulations as provided by the 9th section of the Artizans' Dwellings Act.

Moved, "That the Bill be now read 3<sup>a</sup>."  
—(*The Lord President.*)

THE EARL OF SHAFTESBURY thanked the noble Duke for the attention he had given to the suggestions he had thrown out the other evening. He should have been better pleased to have seen distinct provision made that no houses should be pulled down until it had been ascertained that there was lodging accommodation in the neighbourhood, and that the number of water cisterns and dust bins should be specified, for it must not be lost sight of that these houses would probably be run up very high, and if the poor people living at the top had to come down to the centre for every drop of water they wanted, it would be a serious strain upon them, and, what was as bad, would involve a considerable loss of time. Furthermore, it was most desirable that every requisite sanitary arrangement should be provided on each story. He would also urge that, instead of a general notice, notice of displacement should be served at each of the houses proposed to be removed, and that, as had been the case in Glasgow, the residents should not be disturbed until it had been ascertained that lodgings were available within reasonable distance.

Motion agreed to; Bill read 3<sup>d</sup> accordingly, and passed, and sent to the Commons.

House adjourned at a quarter past  
Six o'clock, till To-morrow,  
half past Ten o'clock.

## HOUSE OF COMMONS,

Thursday, 6th July, 1876.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Registry of Deeds (Ireland)\* [233].  
*First Reading*—Metropolitan Commons (Barnes)\* [234]; General Police and Improvement (Scotland) Provisional Order Confirmation (Paisley)\* [235]—(Perth)\* [236]; Public Health (Scotland) Provisional Order (Irvine and Dundonald)\* [237]; Elementary Education Provisional Order Confirmation (Tolleshunt Major)\* [238]; Local Government Provisional Orders (Carnarvon, &c.)\* [239]; Provisional Orders (Ireland) Confirmation (Coleraine, &c.)\* [240].

*Second Reading*—University of Cambridge [151]; Agricultural Holdings (Scotland) [159]; Provisional Orders (Ireland) Confirmation \*

[220]; Elementary Education Provisional Orders Confirmation (Hailsham, &c.)\* [223]—(Hornsey)\* [224]; Turnpike Acts Continuance, &c.\* [209]; Isle of Man (Officers)\* [215]; Pensions Commutation Acts Amendment\* [230]; Sea and River Banks (Lincolnshire)\* [213].

*Committee—Report*—Public Works Loans (*re-comm.*)\* [228]; Trade Marks Registration Amendment\* [217]; Tramways Orders Confirmation (Bristol, &c.)\* [203]; Notices to Quit (Ireland) (*re-comm.*)\* [226].

*Considered as amended*—Customs Duties Consolidation\* [188]; Customs Laws Consolidation\* [164]; Elver Fishing\* [225].

*Third Reading*—County of Peebles Justiciary District (Scotland)\* [212]; Bankers' Books Evidence\* [206], and passed.

*Withdrawn*—Maritime Contracts\* [50].

## METROPOLIS—THE THAMES EMBANKMENT.—QUESTION.

MR. W. GORDON asked the Chairman of the Metropolitan Board of Works, Whether, having regard to the numerous casualties which have of late occurred in the vicinity of the Thames Embankment, it is not practicable, either by suspending a chain perpendicularly from each of the iron rings now fixed in the walls of the Embankment, or by suspending a line of chains from ring to ring, or by any other process, to afford some means of escape, not only to those who may fall into the river, but also to those who on such occasions are frequently willing to risk their own lives in attempting to save the life of another?

SIR JAMES HOGG: I was not aware of the numerous casualties referred to by my hon. Friend; but, in reply to him, I beg to state that the question of guarding against such accidents has been frequently under the consideration of the Metropolitan Board, and the means suggested by my hon. Friend have been considered amongst others, but they were found open to many objections, and not likely to be practically useful.

## INTEMPERANCE—A JOINT COMMITTEE.—QUESTION.

MR. ONSLOW asked the Secretary of State for the Home Department, considering the great national importance of the Resolution of His Grace the Archbishop of Canterbury, and agreed to by the House of Lords, namely—

"That a Select Committee be appointed for the purpose of inquiring into the prevalence of habits of intemperance, and into the manner in

which those habits have been affected by recent legislation and other causes,"

and to which Resolution Her Majesty's Government have given their assent, Whether it would not be advisable that any Committee appointed for this purpose should consist of Members of both Houses of the Legislature?

MR. ASSHETON CROSS, in reply, said, the Government were fully alive to the importance of the inquiry which had been undertaken by the House of Lords as to the prevalence of habits of intemperance, but their Lordships had not invited the House of Commons to join in the inquiry, and it rested with the House of Lords, and not with the Government, to consider the expediency of making it a joint inquiry. He had, he might add, sought to obtain information as to the practice on those occasions, and he found the subject in question was not one of a class which was ordinarily referred to joint Committees of the two Houses. Hitherto such Committees had been appointed in cases in which the united action of both Houses was required; as, for example, metropolitan railway schemes and Bills for the amalgamation of railway companies, but on questions of general policy it was the custom for each House to appoint its own Committee.

#### NAVAL SURGEONS—SIR GILBERT BLANE'S BEQUEST.—QUESTION.

MR. ERRINGTON asked the Secretary to the Admiralty, Whether, under Sir Gilbert Blane's bequest, any funds are available for publishing the successful Essays for the "Blane Medal;" if so, whether he will consider the expediency of publishing such Essays, and if not, of sanctioning their publication in the medical journals?

MR. A. EGERTON: Sir Gilbert Blane in 1830 left £300 to be invested in Three per Cents in the name of the College of Surgeons, to bestow two gold medals every other year upon Naval surgeons whose essays should be adjudged to be the best. The cost of the medals exhausts the yearly interest of the £300, and leaves no funds for publishing the essays. These essays, moreover, take the form of journals, and could not be printed in their entirety or sent to the medical journals. The more valuable portions, however, are extracted

and published in the Return of the health of the Navy annually presented to Parliament, and extracts of interest to the Profession are sent to the medical journals.

#### LAW AND JUSTICE—THE YORKSHIRE MAGISTRACY.—QUESTION.

MR. HOPWOOD asked the Secretary of State for the Home Department, Whether his attention has been called to a statement in the "Yorkshire Telegraph," of June 7th 1876, in these terms—

"After a vexatious delay of several hours the business for disposal at Guisbro' Police Court on Tuesday had to be adjourned for a week in consequence of the non-attendance of magistrates. About a dozen cases were on the list, and, as they were mostly from Redcar, Saltburn, Skelton, and other places, at some distance from Guisbro' the greatest inconvenience was occasioned. Messengers were despatched by the police in various directions for a magistrate, but even the late train in the afternoon failed to bring one of the great Unpaid, and an adjournment was in consequence necessitated;"

whether the above be true; whether it has happened before; and, whether any steps can be taken to prevent its happening again?

MR. ASSHETON CROSS, in reply, said, he had put himself in communication with the justices, and what they said was this—the report was true. The occurrence happened on the 6th of June, and it did happen once before. The magistrates, before receiving his letter, had already taken steps to prevent a recurrence of such a circumstance, which they much regretted, and they had made arrangements to ensure the regular attendance of the Bench, and to obtain better arrangements from the railway company. He believed the occurrence was occasioned by the alteration of a railway train, which prevented one of the magistrates from attending. There were no resident magistrates on the spot, but there were plenty in the vicinity. He had thought it right to tell the magistrates to take care the Bench was always made.

#### NAVY—GOOD CONDUCT BADGES.

##### QUESTION.

SIR FREDERICK PERKINS asked the First Lord of the Admiralty, Whether it is in accordance with the rules of

the Service in cases of temporary suspension of good conduct badges of seamen or petty officers, that such suspension renders them ineligible for the award of a good conduct medal and gratuity, although they may have served meritoriously for ten or more subsequent years?

MR. A. EGERTON: The deprivation of a good conduct badge does not render a man ineligible for a medal, provided his character is recorded as "very good" for that year; but he must serve for 10 years afterwards with exemplary character.

SIR FREDERICK PERKINS asked, whether the Admiralty were likely to alter the rule?

MR. A. EGERTON: I am not aware that there is any idea at present of altering it.

#### FORESHORES—BALBRIGGAN FORESHORE.—QUESTION.

MR. ERRINGTON asked the President of the Board of Trade, If he can state by whom the representations were made which induced the Board to re-open the question of granting to Mrs. Hamilton a lease of the foreshore at Balbriggan, county Dublin, which would exclude the public from its enjoyment; and, whether he will lay upon the Table Copies of the Correspondence which has passed on the subject?

SIR CHARLES ADDERLEY: The representations which induced the Board of Trade to re-open the question of considering Mrs. Hamilton's application for a lease of the rights of the Crown in a certain foreshore adjoining her property at Balbriggan were made by the Constabulary to the Irish Government, and by them forwarded to me. Reports from the Constabulary are, I understand from the Chief Secretary, confidential, and cannot therefore be produced; and as the application is still under consideration it would be unusual and inconvenient to present the other Papers, and they would not alone give much information.

#### REGISTRY OF DEEDS (IRELAND)—MR. DILLON'S SYSTEM.—QUESTION.

SIR COLMAN O'LOGHLEN asked the Secretary to the Treasury, If, when he introduces the Bill, of which he has given notice, to amend the Law relating

to the Registry of Deeds in Ireland, he is prepared to lay upon the Table of the House a Copy of the Reports of the Committee, acting under a Treasury Letter of the 3rd day of June 1874, in superintending experiments to test an invention of Mr. Dillon for simplifying the existing system in the Registry of Deeds Office (Ireland); and, of the separate Reports of the Registrar of Deeds (Ireland), one of the Committee, on the same subject?

MR. W. H. SMITH: Yes, Sir, I intend to lay the Papers to which the right hon. and learned Member refers upon the Table.

#### SANTA FÉ—SEIZURE OF BULLION.

##### QUESTION.

MR. MUNTZ asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to the seizure of the bullion in the London and River Plate Bank at Rosario, in the State of Santa Fé, by the authorities of that State; and, if Her Majesty's Government has received any explanations of this proceeding?

MR. BOURKE, in reply, said, Her Majesty's Government had had this matter under their consideration for some time, and they were consulting the Law Officers of the Crown upon it. There were, however, certain facts upon which it was desirable to have fuller information, and until that information was received, it would be impossible to come to any decided opinion upon the matter.

#### INDIA—THE FAMINE IN BEHAR.

##### QUESTION.

DR. WARD asked the Under Secretary of State for India, Whether the Government is aware that a Requisition has been presented to the Sheriff of Calcutta for a public meeting, at which the following Resolutions were to be moved:—

"That this meeting deprecates the recent action of Her Majesty's Ministers in treating the Motion for a Commission of Inquiry into the alleged Famine in Behar as a party question:

"That, in view of the enormous cost of the late Famine relief operations, and of the widely-entertained opinion as to the wastefulness of such operations, and in view of the strain upon the revenues of India consequent upon such



expenditure, it is desirable that a Commission should be appointed to inquire into the existence and extent of the alleged Famine, and into the nature, extent, and necessity of the relief operations undertaken in respect thereof ;"

and, whether among the signatories to the Requisition are the President and Vice President of the Chamber of Commerce of Calcutta, the Commercial Member of the Supreme Legislative Council, two past Members of the Legislative Council, also a large number of the leading Merchants, Barristers, and Editors, both European and Native, resident in Calcutta?

LORD GEORGE HAMILTON: The only information which I have upon this subject is derived from an advertisement in an Indian newspaper, in which it is stated that a requisition to hold a public meeting had been presented to the Sheriff of Calcutta, signed by about 100 persons, whose names are not given. In a subsequent edition of the same newspaper it is stated that the Sheriff fixed the 29th of May for the meeting; but the requisitionists, instead of availing themselves of the day so fixed, requested the Sheriff to postpone *sine die* the day for the meeting. The only reason for this indefinite postponement seems to be a fear on the part of the requisitionists that if the meeting is held it will be attended by persons who will propose and carry amendments hostile to the two resolutions mentioned in the Question.

DR. WARD wished to know whether the requisitionists obtained from the Executive a promise to keep the meeting quiet?

#### LANDED OWNERS (IRELAND).

##### QUESTION.

MR. M'CARTHY DOWNING asked the Chief Secretary for Ireland, Whether he will move for a Return of the number of the landed proprietors in each county in Ireland, classed according to residences, showing the extent and value of the property held by each class; and, of the number of landed proprietors in each province, and in the form contained in the Return dated the 7th March 1872, No. 167?

SIR MICHAEL HICKS-BEACH: If I understand the hon. Member's Question rightly, the Return which he appears to be anxious to have, is a mere

continuation of that obtained by the hon. Member for Westmeath in 1872. It is not my intention to move for such a Return; but if the hon. Member will move for it, I will consider whether the time has arrived when it ought to be given.

#### ARMY—SENIOR SURGEONS MAJOR.

##### QUESTION.

MR. O'LEARY asked the Secretary of State for War, Whether in the future selections for promotion to the rank of Deputy Surgeon General, he will take means to prevent the Senior Surgeons Major of the Army who for twenty years and upwards have served the Crown faithfully in various climates, and through more than one campaign, with unblemished reputation in many arduous and responsible positions, from being superseded in their well-earned advancement?

MR. GATHORNE HARDY: Sir, no senior surgeon with the necessary qualifications would be passed over, but proved ability will supersede seniority which is unaccompanied by the necessary qualifications.

#### ECCLIASTICAL ASSESSMENTS (SCOTLAND) BILL.—QUESTION.

MR. M'LAREN asked the Secretary of State for the Home Department, Whether his attention has been called to the fact that the General Assembly of the Church of Scotland has unanimously agreed to support the Ecclesiastical Assessments (Scotland) Bill of the Government; that thirty-six Petitions have been presented in its favour and only ten against it; and, whether he can state on what day the Second Reading of the Bill will be taken? I wish further to explain that I brought in a Bill on the same subject which was lost on the second reading, and that this Bill of the Government having served its object by having defeated my Bill, has stood on the Paper from the 14th of March to the present moment without any steps being taken to bring it forward.

MR. ASSHETON CROSS: All I can say about the matter is that I was glad to hear that the General Assembly of the Church of Scotland had unanimously agreed to support the Bill, and I am further glad to find that the hon.

*Dr. Ward*

Member is also in agreement with the General Assembly. The Bill now stands on the Paper for the 17th instant, and its future progress will rest with the Scotch Members. If the Scotch Members are as unanimous as the General Assembly of the Church of Scotland there will be no difficulty in passing the Bill this Session.

MR. M'LAREN said, that no party was ever unanimous on any question, and it could not be expected that the Scotch Members would be unanimous on this.

#### POOR LAW AMENDMENT (SCOTLAND) BILL.—QUESTION.

MR. E. JENKINS asked the right hon. Gentleman the Home Secretary, At what time the Poor Law Amendment (Scotland) Bill will be taken to-night?

MR. ASSHETON CROSS: At any reasonable hour.

MR. E. JENKINS: I beg to give Notice that if the Bill is brought on at an unreasonable hour I shall object.

#### TRAINING SHIPS (IRELAND). QUESTION.

MAJOR O'GORMAN asked the First Lord of the Admiralty, Whether he has any objection to extend to Irish boys in general the provision which enables the sons of pensioners only in Ireland to enter the Royal Navy; and, whether in such case he would place training ships in Irish harbours for the special purpose of the naval education of such boys, there being at present no training ships in Ireland?

MR. A. EGERTON: The Admiralty has at present no training ship available which could be placed in an Irish port; but Irish boys eligible for the service are received on board the existing training ships if they present themselves. It is not, therefore, considered desirable at present to alter the existing regulations.

#### CEYLON—THE BREAKWATER AT TRINCOMALEE.—OBSERVATION.

GENERAL SIR GEORGE BALFOUR asked for an assurance from Government that money advanced by authority of Parliament should not be spent until

the people of Ceylon had made their proportionate contribution.

MR. W. H. SMITH said, a promise had been given on a former occasion that no money voted by Parliament should be spent in Ceylon until Ceylon had spent a certain amount of her own money on the breakwater at Trincomalee. Instructions to that effect had been given to the Public Works Loan Commissioners, and he had every reason to believe that those instructions had been faithfully carried out. He would, however, make inquiries on the subject.

#### UNIVERSITY OF CAMBRIDGE BILL.

(*Mr. Spencer Walpole, Mr. Assheton Cross, Lord John Manners.*)

#### [BILL 151.] SECOND READING.

Order for Second Reading read.

MR. SPENCER WALPOLE, in rising to move that the Bill be now read a second time, said, that, with the exception of some very minute particulars in matters of detail, it was identical with the University of Oxford Bill, which stood next to it on the Paper, and therefore he would briefly state the general objects of both the measures and the means by which it was sought to effect those objects. In the first place, he wished to make one remark on the speech delivered on a former occasion by his right hon. Friend the Member for the University of London (Mr. Lowe). The only point on which he agreed with his right hon. Friend was that if there was no need of legislation the Universities ought to be left to themselves to carry on their work. If no impediments were placed in their way, they would, he firmly believed, do as much as Parliament could to extend the University system within and beyond their own borders with general benefit to all classes of the community. But it appeared from the Reports of Royal Commissions, from the Reports of University Syndicates, and from Memorials presented to Ministers of the Crown, that many things which ought to be done could not be done, and that many demands were made on the Universities which could not be substantially met, and therefore everybody must admit that it was the duty of any Government, whether Liberal or Conservative, to apply some remedies where they were

imperatively demanded. His right hon. Friend the Member for the University of London had said that these Bills were a reversal of the policy adopted by Parliament in 1854 and 1856. Really it was astounding that such a statement should have been made by his right hon. Friend. If his right hon. Friend had recollected correctly what took place in those years, and compared it with what was taking place now, he must have come to the conclusion that these measures were the supplement and complement of those Acts, which opened up the Universities and the benefits connected with them, so that they might become more extensively available, and that this measure would encourage and promote the study of the various branches of learning, so that every student might select that branch of study most consistent with his inclination, or which might best further his interest or welfare. To call such a Bill as this, therefore, a reversal of the former policy of Parliament was a complete misnomer and a complete delusion. Then his right hon. Friend said the House was being asked to proceed without inquiry and without information, and was going to legislate in the dark. But the Report of the Commissioners for the Advancement of Science had been for three years before Parliament, and there was now an important Report of the Syndicate of the University of Cambridge, which pointed out clearly all the deficiencies now existing there. At the close of their Report the Commissioners said that though much had been done, much more remained to be done, and that work so well begun ought to be further continued. The main difficulty was not the want of will, but the want of means, which prevented the Universities from making the necessary improvements for themselves; and that brought him to the main problems the House had to meet. The Science Commissioners stated that the Universities, as distinguished from the Colleges, were not wealthy bodies, and the University funds were entirely appropriated at present, while there was no prospect of their being largely augmented, and that without the contributions from the Colleges the Universities could not do what was required. This statement was fully borne out by the Report of the Royal Commissioners appointed by the late

Prime Minister to inquire into the property and revenue of the two Universities and of the Colleges. The Commissioners divided this revenue into what they called external and internal revenue, the internal income being that derived from taxation, fees, dues, and other pecuniary payments, while the external income was that derived from real property, tithes and other rent-charges, money in the Funds, property, and other investments. The internal income was entirely appropriated; it was balanced by outgoings, and might be put out of account. External income stood on a different footing. He had stated on a previous occasion that the income of the University of Cambridge derived from property was £14,000 a-year, while the income of the Colleges of Cambridge from the same source was £264,000. This statement was not quite accurate as regarded the University, because it left out of account University income derived from trust property not vested in the University, and some other sources of income, which would bring up the income of the University as derived from property to £24,000 a-year, while the income of the Colleges as derived from property would be £264,000 a-year. As the two Bills were to be taken together it would be convenient to give a comparative statement of the present and prospective income of the two Universities derived from property, and the income of their Colleges and Halls from similar sources. The present income of the University of Oxford was £30,000 a-year, and that of the Colleges and Halls £307,000. The present income of the University of Cambridge was £24,000 a-year, and the income of the Cambridge Colleges and Halls was £264,000 a-year. The prospective increase of income of the University of Oxford was £2,000 a-year; that of the Colleges and Halls was estimated by the Commissioners at £96,000 a-year. The prospective increase of the income of Cambridge University might be set down at *nil*; while that of the Colleges and Halls of Cambridge was estimated at £34,000 a-year, which might be more correctly put at £30,000, as some deductions would have to be made. Thus it would be seen that the same disproportion between the revenues of the University and of the Colleges existed at Oxford as at Cambridge, though the

*Mr. Spencer Walpole*

University income at Oxford, both present and prospective, was much larger than that of Cambridge, and the needs of the University of Cambridge, therefore, were proportionately greater than the needs of the University of Oxford. Upon the prospective increase of College revenue at both places much depended, because this was an accruing income which might be reasonably applied in a different manner from that of the present revenue. The main question, of course, was whether, the finances of the two Universities being what they were, it was reasonable that something should be contributed out of the Collegiate funds to that which was for the common benefit of the University and the Colleges collectively. That was a most important matter, and upon it the whole question of the improvement of superior teaching rested. The principle which he had mentioned, as contained in the Bill, and also the qualification of it, was both, he believed, reasonable. The principle was reasonable, because the Colleges were part of the University, and had the same or similar interests. The relation of the Colleges to the Universities and of the Universities to the Colleges must be, if they were both to thrive, a relation of mutual assistance, co-operation, and support. What was contained in the Bill would form the solution of many of the difficulties which had arisen, but what was needed was some external power or authority that might arbitrate between these different corporations, so as to induce Colleges to contribute rateably and equitably with the other institutions to what was necessary for the common good of all. It would be said, no doubt, why not leave the Universities and Colleges to do that of themselves, and not force it upon them? The answer was obvious: Unless you had some external authority to do it, the thing would not be done; because, without external authority, you would not be able to settle the amount in just proportions which the Colleges should contribute. Now under the Bill this difficulty would be overcome. Several of the Colleges—Trinity, St. Peter's, and Sidney, Sussex—had provisions in their statutes by which they undertook to contribute 5 per cent of their income for University purposes; but that undertaking was a conditional one—namely, that all the other Colleges should do the same. The consequence had been that this provision,

which would have been one of the best for the University to enable it to meet the wants that were pressing upon it, had remained a dead letter; it never had been acted upon, and without some external authority he believed it could not be acted upon. Here he had great satisfaction in stating that at this moment two of the Colleges at Cambridge had passed resolutions that those Colleges were to contribute 5 per cent out of their distributable income for University purposes; and the second resolution embodied this proposition—that they should also settle on the maximum tenure and the maximum value of the Fellowships. In general harmony with those resolutions was another document, the last with which he would trouble the House. When the Commission was appointed by his right hon. Friend the Member for Greenwich (Mr. Gladstone) to inquire into the property of the two Universities, his right hon. Friend the Member for the University of London (Mr. Lowe), who had dealt so hardly and, he would say, so unadvisedly with the two measures before the House, was a Member of the Government, who must have known what their object was in issuing that Commission. He would undertake to say that everybody in the two Universities knew perfectly well that legislation would follow upon the Commission. A year after the appointment of that Commission, a most important Memorial was laid before his right hon. Friend the First Minister of the Crown in 1873; and that memorial was also laid before his right hon. Friend now at the head of Her Majesty's Government. That Memorial, he had no hesitation in saying, was signed by some of the most eminent and influential resident members of the University. They might number them by dozens. They were men of all political opinions, but they all had the interests of the University at heart, and were as familiar as it was possible to be with its working. They drew up four resolutions, which they pressed with earnestness on the attention of his right hon. Friend the Member for Greenwich, with a view to any legislation for advancing the educational efficiency of the University, and also for promoting the advancement of learning. The first resolution stated that no Fellowship should be tenable for life, except only when the original tenure was extended in conside-

ration of services rendered to education, learning, or science, actively and directly in connection with the University or Colleges. That was one of the matters with which the Commissioners would certainly have to deal. The second resolution was to the effect that a further professional career should, as far as possible, be opened to resident educationists or students, whether married or not. The third resolution was to the effect that provision should be made for the association of the Colleges, or some of them, for educational purposes, so as to secure efficient teaching, and to the teachers more leisure for study. And the fourth resolution was that the pecuniary relations existing between the University and Colleges should be revised, and that, if necessary, a representative Board of University Finance should be established. These recommendations, he had no hesitation in saying, the University of Cambridge was anxious to see considered in the most careful manner, he would not say with a view to the adoption of all, but of such as might seem best adapted to promote the advancement of science and learning, and the Resolutions concluded with the hope that the reforms indicated would be distinctly recognized in any Bill which might be proposed. He would now conclude were it not for the Amendment of the hon. Member for Chelsea (Sir Charles Dilke), which was—

“That, in view of the large legislative powers entrusted to the University of Cambridge Commissioners by this Bill, this House is of opinion that the Bill does not sufficiently declare or define the principles and scope of the changes which such Commissioners are empowered to make in that University and the Colleges therein.”

If hon. Members would look to the Preamble of the Bill, and to the clauses framed to carry that Preamble into effect, he thought that it could be seen, and that the hon. Baronet himself would see that the principle and scope of the Bill were as clear and distinct as they well could be made. The Preamble said that it was—

“Expedient that provision be made for enabling or requiring the Colleges in the University to contribute more largely out of their revenues to the purposes of the University, especially with a view to further and better instruction in art, science, and other branches of

learning, where the same are not taught, or not adequately taught, in the University.”

The scope of the changes to be carried out was entirely contained in the clauses of the Bill. He knew that it had been said by the right hon. Member for the University of London that the directions given in the two former Bills were more specific than those given in this Bill. He (Mr. Spencer Walpole) said, however, that the Bill indicated as clear as language could make it the principle upon which the Commissioners were to proceed, and the scope of the changes which they were authorized and empowered to put in force. That being so, he apprehended that it would hardly be deemed necessary that the hon. Baronet should press his Amendment. All the details of the proposed reform could hardly be settled by Parliament, and they had much better be left to the Commissioners. Such, for example, were the limits to the tenure of Fellowships; the extension of the Professoriate; the Collegiate contribution to University purposes; the complete organization of the admirable system of inter-Collegiate lectures and teaching; and the mode on which scientific investigations and original research could best be prosecuted and encouraged. Many of the questions must, in fact, be determined upon the spot, where sound and accurate opinions and every information could be had. One of the consequences of carrying the Amendment must be to postpone legislation for another year, and nothing could be worse for the Universities than to keep them in a constant state of uncertainty as to what duties they were to discharge and what arrangements they were to make to carry into effect the desires of Parliament. It was for these reasons that he could not concur in the Amendment, and it was for these reasons also that he hoped the House would give a second reading to the measure.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(Mr. Spencer Walpole.)

SIR CHARLES W. DILKE, in rising to move, as an Amendment,—

“That, in view of the large legislative powers entrusted to the University of Cambridge Commissioners by this Bill, this House is of opinion that the Bill does not sufficiently declare or define the principles and scope of the changes which such Commissioners are empowered to

*Mr. Spencer Walpole*

make in that University and the Colleges therein."

said, on the last occasion on which they had debated the University Bills the speaking had been all on the side of those who thought, as he thought, that the powers given to the Commissioners were far too undefined. This view had been expressed by no less than six Members of the House. Two Conservatives, and four Liberals, on this point, at least, condemned the Bills. The Chancellor of the Exchequer had defended the Bills in reference to matters on which they had not been attacked, and the right hon. Gentleman who had moved the second reading of the Oxford Bill (Mr. Hardy) had seemed to agree with its opponents as fully as did the other right hon. Gentleman (Mr. Walpole) who had that day moved the second reading of the Cambridge Bill. What had those right hon. Gentlemen said of the "increase of the Professoriate," of the "abolition of idle Fellowships," and of the "endowment of Research," which, according to a noble Marquess in "another place," were the objects of those Bills? They had said that there should not be any increase made to the Professoriate without "caution," and "full consideration." They had said that, in their opinion, the holders of "idle Fellowships" were not "idle;" that, without Fellowships, "men of small means would be unable to go to the Bar." They had further declared, with regard to the "endowment of Research," that they "did not know what was meant by those who made use of that phrase." Well, that was the case of the opponents of the Bill. They asked for "caution" and "consideration," and they did not find them in the Bill. They had doubts as to the wisdom of a noble Marquess in proposing to sweep away what he was pleased to call "idle" Fellowships. They did not quite understand what was meant by the "endowment of Research," and they had a hesitation as to the policy of handing over to Mr. Burgon, or even to Professor Lightfoot, the power to destroy whole Colleges, and the power to make of new theological Professors members of lay foundations. They went so far as to believe that if Lord Salisbury intended to follow the guidance of certain residents of the Universities, they should one day discover that he had destroyed

the noblest foundations in the world, and built up second-rate German Lyceums in their stead. The gist of their complaint was that too much power was left to the Commissioners, one of which at least they profoundly distrusted and disliked. The Secretary at War replied that the 15th clauses of the Bills were there to guide them. Would he answer a question? The revenue of the University of Cambridge being £14,000 a-year, and that of the Cambridge Colleges £300,000 a-year, and it being admitted that something was to be taken from the Colleges and given to the Universities, was there one word in Clause 15 to show whether that part, so taken, was to be another £14,000, or whether it was to be £200,000—whether, in short, it was to be a flea-bite, or whether it was to be half the whole? Their complaint was, that as far as any limitations went the Bill enabled the Commissioners to strip the Colleges in order to make a couple of bad copies of a German University. The Chancellor of the Exchequer, in his reply to the right hon. Member for the University of London (Mr. Lowe), had said that the late Government had appointed a Commission on the Revenues of the Colleges and Universities, and that the appointment of that Commission had led to the present Bills. Now, it had led to a Bill, but not to the particular Bills that they had before them. Not to Bills to enable two sets of Commissioners to do exactly what they pleased. What case had been made out so grave as to need that desperate remedy? They were asked to place the whole College system of England at the mercy of two Commissions, one of which was profoundly clerical, while the other contained a clerical minority so strong, that with three reactionary Commissioners in the case of each reactionary College they would have a reactionary majority. The result would be, at Oxford a reactionary policy supported by a section of the Liberal Party who were tempted by the vast advantages given to residents by the Bill, and at Cambridge, an advanced policy as regarded Trinity College and Trinity Hall, and a reactionary policy as regarded most of the other Colleges of the University. Why should they be forced to count heads even upon the better Commission of the two, and seriously to consider whether Professor

Lightfoot was more clerical or less clerical than the Bishop of Worcester? He had used the word "reactionary," and not the word "Conservative," because a large number of the Oxford Conservatives were in full agreement with the old-fashioned University Liberals upon these points, just as, on the other side, the ultra-clerical party was acting with the friends of endowment of Research. "But," said right hon. Gentlemen opposite, "let them look at Clause 15." The clause did not tell the Commissioners what they were to do. It told them only what they could do, which was a very different thing. It was vague in the extreme. For example, the right hon. Gentleman the Member for his University (Mr. Walpole), and the Secretary of State for War were in favour of the clause. Now, the clause pointed to the increase of the Professoriate, and the endowment of Research. But those right hon. Gentlemen themselves declared that they were rather afraid of the increase of the Professoriate, and that as for the endowment of Research they shared our fears that this might mean the creation of sinecures. They hoped that the money given for Research would be taken away if the researches were not made. By what machinery they did not say, and he (Sir Charles Dilke) pitied Mr. Burgon and his Colleagues if they had to invent a plan for robbing a so-called scientific investigator of his income, unless his supposed researches produced results. Mr. Burgon and his Colleagues were to increase the Professoriate. The Secretary of State for War had said, "with caution." But the wild residents said, "with no caution at all." On the contrary, with so bold a hand that there were to be Professors of every language in Central Asia, Professors of Kalmuck, and of Kipchok Tartar, and "four new Professors of Theology at least." One, he supposed, of the theology of the Vatican; one of that of Mr. Burgon; one of that of the hon. Member for Peterborough (Mr. Whalley), and one of that of Mr. Congreve. A brilliant resident, whom he had the honour to count among his friends, wished to see a Chair of critical journalism founded to expose the errors of the daily Press. Another of his friends thought that there should be a Professor of spelling reform. But, seriously, were they so sure that

Professorships were of real advantage, that they must jump at any proposition for increasing them, at any cost? Why, one of the most distinguished Professors who ever lectured at Oxford, Professor Max Müller, never lectured except to empty benches. Professor Monier Williams was drawing a large audience just now to his lectures about India; but it was an audience composed of ladies, not as yet members of the University, whatever might happen in a few years, and these ladies went to applaud vivid descriptions of the Prince's tour, and appeals touching the evangelization of the benighted heathen, rather than lectures on "Sanskrit," which it was the business of Professor Williams to teach. Dr. Legge, one of the best specialists in England, had lately, after much trumpeting, been appointed to a brand new Professorship:—did any Oxford man in that House venture to assert that he would ever have any one present at his lectures, except a private friend. He (Sir Charles Dilke) remembered to have heard how, in Paris, Professor Stanislas Julien, a man of world-wide fame, used to lecture, winter after winter, in an empty room. At last he was one day gratified by the presence of a party of three, two gentlemen and a lady, who came in in the middle of his lecture, sat down, stayed for a quarter of an hour, and then went away. The next day one of the gentlemen came again, but this time with different companions. Greatly delighted, Stanislas Julien rushed off to discover through the keeper of the lecture hall who were these persons, when to his grief he had found that the man who had come twice was a commissionaire who for five francs a-day was showing Paris to foreigners, and who, selecting the most singular of sights, had brought his employers "to see a Professor lecturing to a stove." As for the "endowment of Research," or "research after endowment," as it had cleverly been called, no two persons were agreed. Were Mr. Burgon and his Colleagues to search the pages of the monthly magazines to find ideas upon the subject? When they had found ideas, let them just think of the quarrels and the "jobs." There were many, he was glad to say, who still held to the good old University belief that the best abstract work was done by men who had, as to a portion of their time, other regular daily work

*Sir Charles W. Dilke*

to do. There was a passage in Lord Macaulay's letters which illustrated this view; he had taken two pupils to read with him, and he wrote of the effect upon himself—

"I find that I read much more in consequence, and the regularity of habits necessarily produced by a periodical employment which cannot be procrastinated, fully compensates for the loss of time which is consumed in tuition."

The Bill before them was a Bill to place unlimited power of abolishing Colleges which were unlike anything else in the world, and of cutting and carving at their will the great University to which he had the honour to belong, in the hands of Commissioners, who, while not so objectionable to him as were most of those to whom was committed the power of demolishing Oxford, held, nevertheless, many of them, opinions which could only be gathered by guesswork. He had said "unlimited power." Nearly unlimited. Limited only when limitation told against Liberal ideas. They had no power to reform those anomalous bodies—Congregation, Senate, Convocation, and Electoral Roll. They were forbidden by the Bill itself to leave the government of Colleges in the hands of those who now exercised it with such skill. Whether the Commissioners wished it, or whether they did not, the lay non-resident Fellows were to be excluded from the government of Colleges, which, by Clause 47 of the Oxford Bill, and Clause 53 of the Cambridge Bill, passed chiefly into clerical hands. To Mr. Burgon and his Colleagues was given, on the other hand, the power to maintain those clerical restrictions which narrowed the choice of persons to fill nearly all the Headships of Colleges in both Universities, two-thirds of the Fellowships at Oxford, and many Fellowships at Cambridge. Could any one doubt what this power meant? Could any one doubt that Mr. Burgon and his Colleagues would maintain these restrictions? Why, the only Member of the Oxford Commission who could assuredly be trusted to vote for their removal was the hon. Member for Northumberland (Mr. Ridley). He was a Conservative; but, nevertheless, he was their trust, for he was the only young Member of the Oxford Commission, and the only one of its members who really knew the fresh University opinion of the day. No one

defended the clerical restrictions; why, then, should not they be removed in the Bill? Why should "unfettered discretion" be left to Mr. Burgon, when the use that he would make of it was as certain as if he were to be fettered. This matter was not properly understood. The newspapers talked about "the abolition of clerical Fellowships," which was a misleading phrase. No one wished to declare that holders of Fellowships should not be in Holy Orders, but only to remove the compulsory limitation of nearly all Headships and of many Fellowships to Clerks in Orders. That limitation had the effect of narrowing the field of selection, lowering the standard, and preventing the best man from being in all cases elected. It was a limitation which might sometimes cause hypocrisy, and which must of necessity draw with it those evils which led to the abolition of tests—an abolition not now regretted even by the Conservative Party in the Universities. He contended that the retention of these restrictions was contrary to the policy, and that the successful policy, of the Universities Tests Act. It was a public scandal that men of distinguished ability could not be selected for the Headships of their Colleges, however much the most fit persons for the post, because they did not happen to be clergymen. To show, however, that those who wished to abolish these restrictions neither desired to secularize the Colleges nor were possessed with what Lord Salisbury called "clericalophobia," he could quote the opinion of no less clerical a personage than the Primate of England. It had been argued that the retention of a certain number of clerical Fellowships was a security for an element of Christianity, but this view had been pooh-poohed by the Archbishop of Canterbury himself. As the Primate thought the argument of no weight, why should others attach importance to it? It was more than doubtful whether the Church gained by the maintenance of clerical restrictions. Conscientious scruples in regard to the pecuniary temptations held out had not unfrequently deterred men of high character and great ability from taking Orders. On the other hand, it was also a scandal from which the Church suffered harm that young men should be tempted to take Orders without feeling



any fitness for the calling, in consequence of clerical restrictions thus imposed. The suppression of clerical Fellows was not involved in the "abolition of clerical Fellowships." The reduction of the total number of Fellows in Orders would probably be small. At New College, Oxford, for example, where there was not, nor ever had been, a clerical restriction, there was not, and never had been, a lack of Fellows in Orders. No measure of reform could be final; but there would be no question left open to immediate agitation if that point were conceded. If, on the other hand, they were to maintain the restriction, the first opportunity would be seized to reverse their decision. With regard to the power and influence of the clerical Fellows in any College, that influence would not be left alone by the present Bills. It would be increased, and increased, he feared, not without hurt to the Universities. A clause of each Bill enacted that non-resident Fellows should not vote in College meeting except when they were outnumbered in the proportion of two to one by Fellows holding University or College office. A far larger proportion of the College and University officers were clergymen than of the non-residents, so that by these clauses the influence of the Church in the Colleges would be vastly increased. A Cambridge resident had written to him—

"Clause 53 will affect every College, for there is not one where the University and College officers absorb two-thirds of the Fellowships. Its effect will be to secure, not only a clerical majority among the residents, but even a clerical representation of the non-residents, for lay non-residents will hold their Fellowships only for a limited time, and hence, under the new statutes, choice by seniority will in all probability mean choice of clerics."

If he might state a case in point—the society to which he had had the honour to belong, that of the Master, Fellows and Scholars, of Trinity Hall, was a lay foundation. The effect of Clause 53 would be to clericalize it. Why were the meetings of Colleges dealt with by the Bills, and not the meetings of the Universities? There had been no outcry for the reform of College meeting—there had been a great outcry for the reform of Convocation, Congregation, Senate, and Electoral Roll. The government of Colleges was at present

chiefly under lay influence. The government of the Universities was chiefly under clerical influence. The Bills clericalized the government of Colleges which was at present lay, and left the clerical government of the Universities untouched. Non-resident Fellows were to be prevented from voting at the meeting of their own College, the affairs of which they thoroughly understood. No attention was paid by the promoters of the Bill to the long-existing and reasonable dissatisfaction felt by all but a few reactionary residents at the swamping of the votes of the residents of both parties in Convocation and Senate by the votes of the hastily whipped-up "country clergy" of Oxfordshire, or "Fen Parsons" of the Isle of Ely. Let them take for an example of the evils which cried for remedy that which had occurred at Oxford just before their last debate, when the London Society for the Extension of University Teaching, itself composed of leading members of the Universities, asked Oxford, Cambridge, and London each to elect three persons to a joint board of management. Oxford was asked to allow three Members of Convocation to be nominated by the Vice Chancellor and Proctors. Professor Burrows was offended. The "country clergy" had been summoned by the crack of his "whip," and the grace rejected on the characteristic ground that the University of London, with which Oxford was thus to be associated, was a secular institution. He admitted that the Bills before them had the support of a majority of the residents. It was natural that this should be so. The residents would receive from the Bills vast advantages in money and in dignity. The sweeping away of Fellowships, the "Increase of the Professoriate," and the "Endowment of Research," meant the spending among the residents of fresh funds. The married residents were, of course, in favour of a scheme which gave not only increased income to themselves, but also a future to their sons. Doubtless some experiment in this direction must be made; but he prayed them to make it but an experiment at first. These Bills did not make it an experiment. They gave to Mr. Burgon and his Colleagues power to spend, if they would, the whole of the revenues of the Universities upon the residents. They

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might, if they would, put down every non-teaching Fellowship at one blow, and many residents would urge them thus to act. He had tried to show how much good these Fellowships had done. Let them pause before consenting that they should be swept away. Let them shorten their tenure if they would. To destroy them would be to put an end to the most democratic institution in modern England, but democratic in the best sense; democratic in that sense in which democracy and aristocracy were one—one in the triumph of the principle of merit. They were obtainable by merit only, and not by favour, and they gave a chance in life to poor men. These Fellowships it was that had enabled barbers' sons and tailors' sons to become Judges and Lord Chancellors. Their abolition would involve this consequence—that middle-class schools would cease at once to send to the Universities the picked poor boys of England. Every schoolmaster in England was opposed to their abolition. It might be said that that opposition was interested. Not so interested as was the support given by residents to the endowment of Research. Both might be, and were, as he hoped and believed, honest. Let them tell the Commissioners what it was that they wanted them to do. If they wished them to make dozens of new Professors to lecture to empty benches, let them say so; but let them not hand over the whole future of the Universities to the Commission without a guide. He had made these remarks, which he believed to be not only true, but also necessary, without the least heat against the proposers of the Bills in that House. Had they before them only the speeches of the two right hon. Gentlemen opposite, his remarks would not have been made. But they had the Bills themselves, vague and mysterious, and they had the random reckless speeches of a certain noble Marquess in "another place." He would ask those two right hon. Gentlemen to whom he referred to believe that those who were members of the two great Universities, on whichever side of the House they sat, had but one desire—namely, to so legislate that the glories of those Universities might be maintained in the future at their present height, even if it were not possible that they should receive increase.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in view of the large legislative powers entrusted to the University of Cambridge Commissioners by this Bill, this House is of opinion that the Bill does not sufficiently declare or define the principles and scope of the changes which such Commissioners are empowered to make in that University and the Colleges therein,"—(Sir Charles W. Dilke,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. FORSYTH, in supporting the second reading of the Bill, said, he hardly knew whether he ought to consider the speech of the hon. Baronet who had just sat down as one in opposition to the Bill or not, because as to a greater part of that speech he entirely agreed with the hon. Member; and, in fact, all that the hon. Member desired could be carried out by the introduction of clauses, which might be proposed in Committee. He would remind the House that, under the measure of 1856, undefined powers were, as in the present instance, given to the Commissioners, and it was absolutely necessary they should be entrusted with those powers if the scheme committed to their hands was to be advantageously worked out. He might further observe that as each College would, under the operation of the Bill, be represented by three Commissioners, there was very little danger that any rash project would be sanctioned in opposition to their wishes. There was, he was happy to say, the additional safeguard that the names of the Commissioners themselves were universally approved, and he was quite sure they never would be subjected to that sort of criticism in which the right hon. Gentleman the Member for the University of London (Mr. Lowe) had indulged with respect to those who were to be Commissioners under the Oxford University Bill. The two main objects of the Bill were, first, to divert a certain portion of the College funds for the purpose of increasing the stipends of the present Professors, of creating new Professorships, and for the endowment of Research; secondly, to make provision as the eligibility and tenure of Fellowships. It was well, he thought, that the Commissioners should be made aware what

were the views of hon. Members on both sides of the House as to the nature of the functions they would have to perform, and the true theory of what an English University really ought to be, for upon that point some strange and startling doctrines had lately been propounded by some writers of great ability, who seemed to think nothing of the Tutor, but much of the Professor. What they desired to see was a body of men maintained who should pass their lives in learned research, and by writing books and other means contribute to the advance of human knowledge. Now that he, for one, believed to be an erroneous idea of an University, which he contended should not only be a place of education, but a place of discipline, in which young men might be trained up in habits of religion and order. The proposal which had been made to increase the Professoriate by the addition of no less than 35 new Professorships to the existing Staff was a startling proposal. He should like, he might add, to know how many pupils some of those new Professors who were spoken of were likely to obtain, and whether there was not the danger to be guarded against that there might be men receiving £500 a-year who would have no classes, and who would sink into a life of idleness and ease, unless they felt compelled by some strong moral principle to write a book for the purpose of enlightening the world. For his own part, he thought nothing could be more mischievous than that the minds of young men should be dissipated in a great variety of subjects; and he, therefore, hoped the Commissioners would be very cautious in increasing unduly the number of Professorships, and taxing the Colleges in any such degree as to imperil their usefulness. With regard to the tenure of Fellowships he thought that it was a most improper thing to make it a condition of any Fellowship that the holder should take Holy Orders. Many young men accepted that condition rashly, but repented it when they came of mature age. There was no case more pitiable than that of a clergyman who, after holding a Fellowship for 25 or 30 years, was presented to a College living without possessing any knowledge whatever of his parochial duties. He knew of a case, when he was at the University, where a Fellow advanced in years obtained a

College living, and when a poor woman came to him in a state of spiritual distress to consult him, he told her to get some string and make cabbage-nets, which he said was his own resource when he fell into low spirits. There was at Cambridge a strong opinion, which he himself shared, that no one with the exception of persons who had been long engaged in the teaching work of the University, should be permitted to retain a Fellowship for a longer period than seven years after taking his M.A. degree. Then young men would get a fair start in life, and there would not be temptations to sloth, idleness, and indolence hereafter. The discussion of the Oxford Bill had shown that the House was not going to offer any serious opposition to this Bill; and therefore he advised his hon. Friend the Member for Chelsea to endeavour to carry out the objects he had in view by proposing new clauses and Amendments when they got into Committee, rather than endeavour now to impede the progress of a measure, which he believed his hon. Friend in his heart thought was a good Bill.

MR. LYON PLAYFAIR: In addressing the House I must admit that I am an outer barbarian, for I have never enjoyed the advantages of an English University education. But perhaps this fact enables me to look upon these Bills with a less partial eye than some of my Liberal Friends who have addressed the House. In fact, I have heard no Liberal speeches from this side. The Secretary for War (Mr. Hardy) did make a Liberal speech; but when my hon. and learned Friend the Member for Denbigh County (Mr. Osborne Morgan) and my hon. Friend the Member for Chelsea (Sir Charles Dilke) spoke, I did not recognize my Radical friends under their University toga. They seemed to me to forget that these Bills reach further than Oxford or Cambridge, for they involve far wider interests in their bearing on national education and on the advancement of science and learning. With revenues amounting to about £750,000, Oxford and Cambridge have serious responsibilities to the nation. If hitherto their benefits have been enjoyed more by the rich than by the poor, that is a misfortune due rather to their system of education than to their intentions, for they have sought by their Scholarships and Fellowships to bring

their advantages within the reach of both classes. Have they succeeded in this laudable desire? Allow me to give the answer to this question by the only quotation which I propose to make. It is from a work by a high Oxford authority, the Rev. Mark Pattinson, Rector of Lincoln College, who says—

“Class education would seem to me to be as rooted an idea in the English mind as denominational religion. But if the Universities are only schools for the wealthy classes, why should they enjoy a large national endowment? Why should the nation, out of its national endowment fund, provide gratuitous education for the sons of precisely that class which is best able to pay for whatever education it may think proper to have?”

These questions lie at the root of the whole matter. Either these Bills are good because they complete the national character of our Universities, or they are bad because they continue to limit their advantages to a class of wealthy men and to the poor who win Scholarships. Now, in the speech which I make, I know that I am not in unison with the feeling of the House. Among its Members are no fewer than 225 men who have been trained in and who love their Universities. Upon them my remarks will fall like grating discords on the ears of a musical audience. To them Oxford and Cambridge appear as the highest types of Universities. But whether they are better or worse than others, there is no doubt that they are exceptional. This arises from the fact that they aim to give mental culture for its own sake and without reference to the utilities of life. And doubtless this is a high conception of University training. Other Universities also have a high purpose, but not such an unselfish ideal of education. European Universities generally, perhaps even in their origin, but certainly in their operations, aim at infusing liberal education into the various learned professions and scientific industrial occupations. In this respect they differ from ordinary technical schools, which look only to professional training; while the Universities, such as those of Scotland and Germany, unite technical training with mental culture. They thus try to mellow the professional and industrial life of a country. Now, I readily admit that the Oxford and Cambridge system of imparting culture for its own sake is the most noble and unselfish, though it is obviously more

adapted to the wealthy than to the middle and poorer classes of society. As the latter require to enter professions or industries, they cannot afford to stay at Universities in which honours are only to be won at 21 or 22 years of age, for by that time their technical training ought to be ended. It was this want of consonance between the English University system and the needs of the middle classes which produced their decadence previous to 1854. The Commission of that year largely extended their benefits. They opened up new Scholarships and Fellowships to induce the middle classes to take the educational commodities which the Universities had to offer. These Scholarships are bounties of £80 a-year for boys who pass a good school examination, and who are wealthy enough to stay long at school. They are wages given to young men mainly to learn Greek, Latin, and Mathematics; for the few Scholarships given to other subjects are too insignificant in number to demand attention. After 1854, when this stimulus was applied, Undergraduates increased in number, just in proportion as the Scholarships were augmented in number and money value. A few years ago, one out of every three of the Undergraduates was paid for his attendance; and even now, one out of four is in this position of a paid scholar. Why should this be necessary for Oxford and Cambridge? In Germany, in France, in Ireland, and in Scotland, students go to Universities without being paid. They go to acquire knowledge, which ought to be a commodity beyond all price. The reason is that in these Universities the preliminary culture is made to bear on the future occupations of the students, while in Oxford and Cambridge it has no such bearing. It is quite true that the education given at our English Universities is excellent in itself; but as it has no immediate bearing on the exigencies of professional life, the middle classes have to be tempted by strewing with gold the pathway which connects the school with the University. And this is only the beginning of the bounty system for study. In advance, these paid scholars see some 20 annual Fellowships offered for competition to those who spend three years and a-half at study in their Colleges. Out of 200 Fellowships given in the last 20 years, only 12 were for science, so that still the great pre-

ponderance of prize money is given for Greek, Latin, and Mathematics, and the general result is this, that Oxford and Cambridge give an annual endowment of £70,000 to lads for prospective Scholarships in these subjects, and £200,000 to graduates for their retrospective Scholarships. The latter are what the Marquess of Salisbury styles "idle Fellowships." Can they be made more nationally productive than they are at present? The Chancellor of Oxford University (the Marquess of Salisbury) and the right hon. Member for Cambridge University (Mr. Walpole) obviously think they can, or they would not have introduced their Bills. They look upon the Fellowship fund as one which can be drawn upon to strengthen the University without unduly weakening the Colleges. Are they right or wrong? Now, nothing is more certain in the academic experience of the world than that parents will send their children to Universities without money bribes if they can there acquire the learning suitable to their wants in life. Oxford and Cambridge have learned this by their outside experience. They have an admirable system of local examinations of school pupils in various provincial centres. They are eminently successful, and yet I do not think they have given a single reward of any kind either in money or in prizes. But they have adapted their examinations to the subjects which they find school boys and girls willing to learn. Why, then, should it be necessary to offer £270,000 a-year to entice young men to be educated when all other Universities are overflowing without money inducements, except of a very meagre kind? All this lavish expenditure of wealth has been insufficient for its purpose, for if it had been sufficient these Bills would not be before us. It so happens that we can make a comparison, because Oxford and Edinburgh have each nearly the same number of resident students, about 2,000. Now, Oxford has a net income of £400,000, and Edinburgh one of £23,000, and yet the number of their students is almost equal. It is clear, therefore, that wealth does not suffice to ensure Undergraduates. And as the standard for pass degrees in arts is admittedly as good in one as in the other, the result is startling. You cannot get rid of the fact by scoffing at Scotch Universities, as these

Bills do in the 2nd clause, when they define them as "schools." The fact remains that the Scotch University in its poverty has not far from the same number of students and graduates as Oxford in its wealth. The explanation is that Oxford and Cambridge, having cut themselves adrift from the occupations of the people, must offer prize money for the educational commodities which they seek to give. And if I were to admit that this system is wise, I should agree with Lord Cardwell when he called Fellowship the *primum mobile* of the English University system. If Greek, Latin, and Mathematics are to continue to be the main higher food of the nation, to the practical exclusion of other kinds of food, Fellowships are the very life blood of the Universities, and you are making a most hazardous experiment when you pass these Bills. In my point of view, though I do not dream of getting the House to agree with me, any system of education is wrong when it results in making parents and their children look to Universities as places to gain money and not simply as places for acquiring knowledge. Nor do I pause to point out at any length the evils which the present Fellowship system has produced by converting the Universities into huge examining machines. I will only say that modern writers on higher education are nearly unanimous in thinking that incessant examinations enfeeble the spirit of research and arrest the progress of science in a nation. I would rather point to the fact, which ought to be significant to hon. Gentlemen opposite who profess to adhere to the wishes of pious founders, that Fellowships, as they are now given, are wholly different from their original purpose. By the old statutes, the degrees of doctor could only be got after from 13 to 19 years' study, and the object of Fellowships was to support men in the three faculties of theology, law, and medicine, till they got their doctor's degree. But with the exception of theology, the other professional faculties have become dwarfed in the Universities, and the Fellowships are now mere sinecures, without conditions either of personal study or the advancement of learning. It may be that the Commission of 1876 will attach these conditions to Fellowships in future. Certainly the Commission of 1854 failed to do so. All that it did was to make

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the Universities more efficient examining machines, and to render the Colleges more comfortable boarding schools for young men; though doubtless it laid the broader basis for other studies, which have been growing in the Universities, although they receive only the crumbs which fall from the rich tables loaded with classics and mathematics. These Bills will fulfil their purpose if they succeed in adapting the Universities to the needs of the nation, so that they may infuse a liberal education into those professions and industries which depend upon learning and science, which ought at the same time to have their boundaries advanced by the tutors and Professors who devote themselves to an academic life. I give full credit to the Government that these are the motives with which they seek new reforms. But they have so framed the Bills that we cannot tell either what they will do or what they will leave undone. For the Bills do nothing but put Parliament in commission. No doubt the Bills recite a catalogue of useful objects which the Commissioners may take up if they please; but legislatively we do nothing but shuffle off our powers of reform on seven distinguished gentlemen representing each University. Not one of them represents the outside interests of the nation. All of them have been bred in the system which they are called upon to reform. Not a single man of academic knowledge outside that system has been appointed to represent national or Imperial interests. The very same Government which introduces these Bills has within a few weeks issued a Royal Commission for the reform of the Scotch Universities. They have not shuffled off our powers on that Commission, but have desired it to report to Parliament. Nor have they made it an Edinburgh or Glasgow, or even a Scotch Commission. They have made it an Imperial one, and have put on such names as Huxley and Froude, men of academic knowledge, but having no permanent relations to Scotland or its Universities. But the Commissions under these Bills are not Imperial—they simply represent local interests. Cambridge men for Cambridge, and Oxford men for Oxford, constitute the whole Commission. No doubt they are eminent men, but all have been trained under a restricted system. And although they are constituted in this

local and partial spirit, the Bills do not lay down any common lines of reform upon which the Colleges are to proceed. They are invited for a year to prepare schemes for their own reform in any separate and disjointed way they like, and with powerful representation of College interests within the Commission. Of course, I know the reply of the Government to such strictures as these is, that a like course was followed in 1854, and the Executive Commission then produced salutary reforms. But the position then and now is quite different. In 1852 a Royal Commission had made an exhaustive Report on the state of the Universities. The duty of the Executive Commission of 1854 was to remedy the abuses ascertained to exist and to alter statutes which were antiquated and obsolete. That is not our position now. There has been no previous inquiry, and there are no glaring abuses to rectify, nor obsolete statutes to repeal. If you believe that the present system is on the whole good, modifications in it could be better made by the University and Collegiate authorities than by a statutory Commission. It is one thing to reform obstructive corporations; it is another thing to direct the reforms of progressive corporations. The Universities are strongly progressive. They have opened new schools and new triposes, and are trying to adapt themselves to changing conditions of liberal culture. Radical changes in the system may be desired by some of us; but I have more confidence in getting these from the action of University reformers than from Commissions composed of men of a previous generation brought up in ancient lines of study. Such a Commission does not feel the want of contact with the people, which University teachers do feel. None of us wish to see Oxford and Cambridge converted into mere technical schools for professions. But we do desire to see them brought into harmony with the exigencies of professional and industrial life, so that the middle classes may again flock to them, as they once did, to receive that liberal culture which ought to be the basis of all the occupations of life. Though I do not think that the Commissions named in the Bills are likely to contribute much to this result, I quite admit that the Bills will do so in a way not contemplated by their framers. For if the Fellowship fund or Collegiate

revenues be largely used to strengthen the University, the fictitious props which now uphold a restricted education will, to some extent at least, be knocked away. No doubt the first result will be to diminish students of these subjects; but this evil will soon be remedied if the curriculum of studies is varied so as to suit the many and not the few. Cambridge recognizes this weakness of her intra-academical curriculum by the wide extent of her teaching through a system of provincial lectures. She suits these to the varied wants of the people, and assures a splendid success without money bribes. My right hon. Friend the Member for the City of London (Mr. Goschen), as Chairman of the London Committee, promotes this extended curriculum in the provinces, and I hope he will soon be convinced that it would be wise to adapt it to the teaching and graduating system within the University. The pressure of this Bill will quicken the growth of this conviction within the University, and I hope the Commissions will not stunt this growth. If they would revert to the original statutes of the founders and connect the Fellowships with specific faculties of arts, theology, law, medicine, and science, much would be done to bring back the middle classes to the Universities. Of all the professional faculties one only now has a sensible proportion of Fellowships. The faculty of theology has certainly the lion's share. In both Universities the other professional faculties have now about a dozen Fellowships, while Oxford alone has more than 100 clerical Fellowships. I do not wish to see these entirely swept away, as some of my Friends propose on this side of the House, though I should like to see them reduced to some seemly proportion. It is obviously important that the ministers, I will not say of the Church of England alone, but of all Churches, should be induced to study at our great English Universities. It is better for them and for us that they should be brought up at a common University with laymen, than that they should be gathered apart in a mere technical school of priestcraft. Germany found the evil of this, and has been forced to compel her clergy to take a common University training before they learn the mere technics of their profession. Our Universities have saved us from this evil, at least so far as our

national Church is concerned, and have first educated our clergy as citizens before they have become contracted into priests. I would ask my hon. Friends on this side to pause before they sweep away all clerical Fellowships. The Universities have already nearly driven away the other professions from their walls. We may make a further mistake if we drive out the clerical profession also, and divorce priestcraft from citizenship. I think the essence of our reforms should be to induce the professions to take their preliminary liberal culture at our Universities — not to cut them adrift as we have been doing in England. Of course, 110 clerical Fellowships at Oxford are altogether disproportionate, and form much too large an attraction to connect one profession with a University. Besides, they are not given to the clerical profession as a whole, but only to the clergy of the Church of England. I fail to see any justification for this limitation now that tests are abolished, and when the Universities are made national. If clerical Fellowships are to remain, is it unreasonable that they should be opened to all ministers of religion, of whatever creed? This is our practice in regard to theological degrees at the Scotch Universities. We give them simply for theological knowledge, not for theological belief. In like manner, clerical Fellowships might be given for distinction in the subjects included in theological learning. But that is not the motive for clerical Fellowships, even under their present restrictions to the English Church. A right rev. Prelate, the Bishop of Ely, advocated them on far narrower grounds. He argued that there was much difficulty even now in supplying parishes with clergymen, and urged if the clerical Fellowships were to be abolished, that difficulty would be greatly increased. I cannot conceive a more damaging argument for such Fellowships. If the Church of England cannot attract to its service learned and religious men except by University bribes, the Church is in a far more dangerous state than I believe it to be. Clerical Fellowships can only be defended, like other professional Fellowships, or those for philology and science, on the ground that it is desirable to encourage a profound study of the learning embraced in them, and in the hope that they may even conduce to

the advancement of the boundaries of learning and science. Although my opinions are not in unison with those of the many University-trained men in this House, I have ventured to express them because this is the only occasion on which Members of Parliament can influence English University reform. We, under the guidance of a Ministry strong in the numbers of their followers, are about to put Parliament into commission in the reform of our English Universities. The Commissioners who absorb our legislative and reforming powers are men attached to the existing system. They may prune and trim the straggling branches, but they are not likely to plough up new ground or to sow new crops for the feeding of the nation. Parliament confers upon them a trust which is solemn and important, for it certainly determines the position of our higher education for a whole generation. They can best fulfil their trust if they extend the advantages of the Universities to all classes which are capable of benefiting by them. They can do this if they develop their teaching power not only in the direction of the learning of the past, but also in that of the present. It is in this development of teaching both literature and science that we must look for a corrective of the evils of excessive examination, which palsies University life in every part of the country. The examination system forced by a stimulus of reward, which we inherit from the Jesuit fathers, has, in its excessive application, destroyed originality in France, and it is fast destroying it in this country. Our Universities are intended for education, and are not places such as my right hon. Friend the Member for the University of London (Mr. Lowe) would make them, something like the Scotch Fishery Board, which brands herrings of various qualities, just as my right hon. Friend would brand students, B.A. for low quality, M.A. for the same more mature, and D. for superior quality. A University, in its true and not Chinese sense, is a place of Education. And always keeping this in view, I do not care to join in the movement for diverting its funds to the endowment of research unconnected with educational duties. It is quite true that the means for teaching practical science in the English Universities is, in various sciences, quite insufficient, and that laboratories and museums require de-

velopment, but these are educational agencies. If the Universities will only give fair play to modern as well as to ancient knowledge, not only by efficient teaching but also by a fair proportion of prize Fellowships and Scholarships, research will follow as surely as fruit follows the sowing of the seed. When the Commissions have helped Oxford and Cambridge to adjust their curriculum to modern needs, the Universities will, as they once did, spread their influence over the whole nation, which will again send its poorer sons to them for the knowledge which they give and not for the gold which they offer. But that is rather an aspiration than a belief, for I have little confidence that the Commissions named in the Bills will produce such a result. And so I shall see without a sigh these Bills sacrificed in the impending Slaughter of the Innocents, which must soon be announced to us at this period of the Session.

MR. BERESFORD HOPE: I must express great pleasure at the line which the debate has taken this evening. In the position of honourable responsibility of watching the interests of the great University which is the subject of the present debate, I should be unworthy of the trust reposed in me if I regarded the question with any reference to the side of the House on which I happen to sit. This is emphatically a question in relation to which Party politics must be put out of sight, with a view to promote the real and permanent good of those great institutions, the Universities of Cambridge and Oxford. Under these circumstances, I may fairly say that, after much reflection, after considering the matter from many points of view, after having tried as far as I could to master what other people, for whose opinions I entertain respect, have to say about it, my desire and my hope is that the Bill now before the House should become law. I do not consider it to be incumbent upon me to argue whether or not it is cast in the best shape. The question is—taking the Bill as it is, the public discussion which has taken place throughout the country, and the debate of to-night—ought the Bill to go forward or not? In my opinion it ought to go forward; and I think it will go forward with as much general acquiescence, I will not say enthusiastic acquiescence, on the part of this House, as any measure could be



reasonably expected to receive; and from that general acquiescence I will not except even my hon. Friend the Member for Chelsea (Sir Charles Dilke), to whose temperate, well-argued, and thoughtful speech I have listened with much pleasure. My hon. Friend criticized the Bill freely, not unfriendly; but the upshot of his criticisms was rather, in the first place, to throw out suggestions of Amendments which might well be considered in Committee, and thus to give hints to the Commissioners as to the use of their powers in re-constituting the Universities in the most satisfactory manner. It appears to me that the drift of the discussions which have taken place tends far more to a wise and cautious, than a reckless way of dealing with those institutions. Much weight has been attached to words—sharp, trenchant, and epigrammatic—which have been uttered in “another place.” Well, what was behind those words, what it was that led to them, I suppose we do not know, and have no right to ask. But I should argue the other way, and instead of fearing that those words were intended to govern the Bill, I should rather suppose them to be an ebullition of original genius than a key which was to unlock a cabalistic mystery. I come now to a speech to which I listened with much interest and not a little astonishment; I mean the speech of the right hon. Gentleman the Member for the two Universities North of the Tweed, Edinburgh and St. Andrews (Mr. Lyon Playfair). I shall not hurt his susceptibilities by calling them anything else than Universities. I shall call them persistently the Universities of Edinburgh and St. Andrews; but I must ask the right hon. Gentleman in return, as a favour, not to call Eton, Harrow, or Rugby, Universities. They are schools, while, like Edinburgh and St. Andrews, they carry out the useful task of educating a large portion of the community, at an age when they have ceased to be boys, and have hardly become men. We need not, however, quarrel over names. But the right hon. Gentleman exhibited so many flashes of chaotic acuteness, and at times seemed so much to appreciate, to understand and to relish the system of our old Universities, that I believe if he had known more about them he would have spoken in a much less critical spirit. All

I can say is, that having a knowledge much less of the Scotch Universities than he has of the English, I do not think that, if I have ventured to speak on a Scotch University Bill, I should have approximated to facts as often as he has done. The right hon. Gentleman started with the assertion that the Universities of Cambridge and Oxford are the holders to an enormous amount of national funds. Now, whatever else their funds may be, national funds are the one thing which they cannot be termed. University Professorships, College Fellowships, Scholarships, Bedelships, prizes, everything, in fact, in the Universities that carries emolument with it, are either paid for out of private endowment, or by current fees. True, the objects of the Universities are national; but to lay down the principle that they are national institutions, sustained by national funds, is to incapacitate yourself from carrying out consistently any well-matured scheme of reform, simply because you misapprehend the body with which you are dealing. Then the right hon. Gentleman went on to say that Cambridge and Oxford are unlike the Scotch Universities, inasmuch as they are institutions for the upper classes, and do not educate the middle and poorer classes. Upon that I take issue with him; but I am sorry to say that I cannot support my argument by full reference to specific facts which, but for conventional scruples, I might bring forward in connection with particular names. Were it not for such considerations, I might designate many distinguished persons, now alive, or who have but lately passed away, who by their honourable struggles raised themselves from humble positions to places of trust and honour, first in the Universities, and then in the Church or in the State, or in the universal republic of literature and science. If I could with propriety reveal these facts, well known as they are to those who are intimate with University life, I think there would be an answer more than complete to the assertion of the right hon. Gentleman, which I am sure he will be the first to regret having made when he looks to-morrow into the columns of some daily paper at what he has said to-night. I do not deny that the Scotch Universities do educate the middle and poorer classes; I believe

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that they do. But, perhaps, the difference between the Universities of the two countries is this—that the Scotch Universities, with their Professorships and spacious lecture-rooms, take up the members of the middle and lower classes, educate them, and leave them members of the middle and poorer classes still; whereas Cambridge and Oxford take the same classes, and by their system of prizes, Scholarships, Fellowships, examinations and discipline by their tutorships of which the results are known to the world, raise them to the ranks of that best of aristocracies, the aristocracy of respect, of influence, and of power. But the right hon. Gentleman then went on to inquire what can you do with institutions that will not give a man honours until he is of the age of 23 or 24. No doubt, I will grant it, that we have a complaint at Cambridge now and then, though it may be a fictitious complaint in the sense of that assertion. It is that gentlemen are apt to come to Cambridge from those counties of the United Kingdom which lie north of the Tweed and do not take honours till they are 23 or 24 years of age, so that the indigenous Englishman who goes up for honours at 21 or 22 is apt to find himself over-weighted when pitted against gentlemen who have already graduated and taken honours in institutions which we are forbidden to call schools. So far, and only so far, as that, is there some foundation for this charge of the right hon. Gentleman. Let me now look at this Commission. The first name in the list is that of a Senior Wrangler, the Bishop of Worcester, and he was Senior Wrangler at, I believe, 21, while I know that the man who was Second Wrangler on that examination, and who on the subsequent and co-equal examination for the "Smith's Prizes" beat him, was only 21; that man is now Duke of Devonshire, Chancellor of the University of Cambridge. The second name on the Commission is that of Lord Rayleigh, and he, too, was Senior Wrangler at 21. So much, then, for the assertion that the highest honours cannot be got before the age of 23 or 24.

Again, the right hon. Gentleman talked of the "Fellowship fund." He talked of Fellowships as if they were doles, and as if some mysterious authority wrapped up sovereigns in paper, which were then handed out to those

gentlemen of 23 or 24 after passing their examinations. The idea of a Fellowship, as incorporating a man into a great and honourable society, as a profession, as a distinction, a sort of *cordon bleu*, involving work and responsibility, had not occurred to the right hon. Gentleman; and without this conception of the institution of Fellowships; without the idea of its being—I will not flinch from using the word—a "caste," but a caste of the highest and most useful sort, and like the mediæval order of knighthood carrying duties and obligations with it; without this idea of a Fellowship—which is the idea of our Universities in fact and in deed, but which the right hon. Gentleman showed by his speech of to-night that he cannot realize—he cannot adequately deal with the constitution of our Universities. His one idea of a Fellowship seemed to be that it was given only for proficiency in Greek, Latin, and Mathematics. Has the right hon. Gentleman never heard that Trinity College has given Fellowships for Natural Science? Does he not know that one of the most distinguished Oriental scholars in Europe is a gentleman who rose from a quiet and obscure position to his present eminence, and that he had a special Fellowship given him in the College of one of our Universities on the sole ground of his attainments in Oriental Scholarship? The fact is, that the qualifications for which the Colleges may give their Fellowships are in the hearts of the Colleges themselves. When the curriculum of studies was more contracted, naturally they were given in those branches of study which were then in vogue; but the area of study is ever widening, and as it widens there is no difficulty whatever in widening the conditions upon which a Fellowship is given also. They may be different in different Colleges. Some Colleges give their Fellowships on a specific examination. Others give them as a testimonial for exceptional proficiency. Others accept the test of the degree examination. No doubt the system of examinations may be, and I dare say is, carried too far sometimes; but I own I was startled to hear the right hon. Gentleman the Member for the Universities of St. Andrews and Edinburgh trace it to such an origin, and describe it as if it were the child of the Jesuits and the grandchild of the Chinese. I

education of the laity. The result was, that Colleges and Universities carried out the work that was then wanted to be done—for no other institutions existed to carry it out—while no attempt was made to supply a want that was not yet known or felt—that of the literary education of the lay upper classes. Now-a-days, therefore, with our libraries and academies on the one hand, and on the other hand the absolute moral and physical necessity of education for the laity, this attempt to rout out those musty references to the 13th or 14th century in favour of these new experiments of modern progress is to shut your eyes to facts in a way that surprises me greatly. Reduce the laity of the present day to the position of the laity of the 13th or 14th century; abolish all the literary institutions and aids to learning in our great cities; and the advocates of the endowment of Research may have something to say for themselves. Until then I leave them to the criticisms of my hon. Friend the Member for Chelsea. Research is a thing that you cannot endow systematically. Research makes itself. You may endow it indirectly by means of your Fellowships; but I am convinced that if you endow it directly, the endowment of Research would soon become the research of endowment on the part of speculative philosophers. Those words, no doubt, occur in the Bill, and have come into current talk. Indeed, there is an inevitable law affecting Parliamentary language, by which a word, however vague, obtains an illicit and provisional meaning when once it is used in an enacting clause; but I have too much faith in the gentlemen whose names are mentioned in the Bill as Commissioners to suppose that they will ever build up a wall by the endowment of Research to run their own heads against. On these general grounds, then, and trying to divest myself of any feeling of enthusiasm one way or the other, while endeavouring to look at the matter impartially, I trust that the Bill will not only be read a second time to-night—that is saying very little, for the state of these benches shows it to be impossible that it should not be read to-night—but that it will go through its other stages in the present Session. No doubt our Order Book is most painfully full of important matter. It is in reality an

appalling document at this date in July; but the question of the Universities has been raised, and has excited a certain amount of alarm. That alarm has, however, now died away, and a moderate, a reasonable, and a practical interpretation has been put upon those proposals, which gives the assurance that they will be worked so as to carry out not what some people have said of them, but what they say of themselves; and I appeal to Her Majesty's Government, I appeal to all the Members of this House, to sacrifice a little time in completing this important work. If, when the Herodian decree goes forth, these Bills fall in the Massacre of the Innocents, an opportunity will be given for agitation throughout the Recess. They will be canvassed and questioned by the schools of thought, which are represented by the unlearned enthusiasm of the right hon. Gentleman the Member for St. Andrew's and Edinburgh Universities. The fallacies which he has scattered broadcast to-night will be taken up by interested coteries, and the Universities of Cambridge and Oxford will be denounced as not national, but sectional and aristocratic institutions. A feeling will be raised which does not now exist, and the subject will be much more difficult to deal with next year. Therefore, I must make an earnest, a serious, and respectful appeal to my right hon. Friend at the head of the Government to endeavour to pass these Bills in the present Session. I am sure that he will pass them if he can. I know there are difficulties in the way; but they may be overcome by putting off, if necessary, other measures on the Order Book which do not ramify into those considerations of a moral order, out of which distemperature most certainly arises, and which can therefore better bear to be postponed.

LORD EDMOND FITZMAURICE said, the hon. and learned Member for the Denbigh Boroughs (Mr. Osborne Morgan) had said on a previous occasion that if some Rip Van Winkle could return to the English Universities he would no longer think they were the same places which they were 20 years ago. If some political Rip Van Winkle returned to this House and listened to the debates on the question now before it he would have a contrary impression, and believe that there had been no change at all in the relation of political parties. From the Liberal side of the

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House had been heard little but allusions to ancient institutions, the objectionable character of change, the sacredness of existing interests, and alarm at the revolutionary character of the measure. The powers conferred on the Commissioners were said to be too large, unlimited, and ill-defined. But it must be recollected that definition almost implied limitation, and it was one of the faults of the Commission of 1854 that, partly owing to the limitation of its powers, it left many important questions entirely untouched. If there was any fault to be found with the powers conferred upon the Commissioners, it was that they were not large enough. For example, he could not see that under the Bill the Commissioners would be able to deal with the government of the University. As regarded the settlement of 1854, the burden of proof lay upon those who said that the Bill proposed to reverse it, and he had not as yet been able to hear such a proof even attempted. In his opinion, the Bill proposed to act in the spirit of the measure of 1854, while extending reforms in new directions. They were told that the noble Chancellor of the University of Oxford had uttered certain sentiments, and that it might be anticipated that the University Commissioners would act in the spirit of those sentiments. For himself, he would not say whether the sentiments attributed to the noble Marquess—for whom he entertained the highest respect—were or were not justifiable; but could it be supposed that the Commissioners would feel themselves bound to act in accordance with the language of a particular speech instead of remembering that their business was to hear evidence, and to act according to the facts brought under their notice? It would be equally logical to say that the Cambridge Commissioners would take their tone from the speech of the right hon. Gentleman who proposed the second reading of the Bill, which had been said to be the exact opposite of the speech of the noble Maquess. He would now observe on some observations which had fallen from particular Members. The noble Lord the Member for Bury (Lord Francis Hervey) seemed to suggest that if the University wanted money they might make it by increasing the revenue of the University Press, the funds of which he said were wasted in publishing inferior educational

work of an elementary kind. It was not his business to defend the University Press at Oxford, more especially as the facts and figures of the noble Lord had since been declared to be imperfect and misleading. He believed, however, he might say that the publications of the University Press bore a high character, and that in associating itself with the general education of the country, it had taken a step which would meet with general approval. In regard to the composition of the Commission, without thinking it necessary to adopt every statement that had been made about individuals, he could not help feeling that his right hon. Friend the Member for the University of London (Mr. Lowe) expressed a general feeling when he attacked the composition of the Oxford Commission, and he rejoiced to think that the Cambridge Commissioners were so different a body. He would suggest to the Government that they should insert the Cambridge Commissioners into the Oxford Bill, and he assured them that Cambridge would not ask for reciprocity. He hoped that in any case the Government would allow two more names to be added to the Commission—names such as those of Lord Cardwell and Professor Henry Smith. The observations of the right hon. Member for the University of Cambridge reminded him of Lord Chatham's saying that England had withstood the Roman invasion, the Danish invasion, and the Norman invasion, but he doubted whether she would be able to withstand the Scotch invasion. In the case of those who competed for the highest University honours, he thought it was not just that men should be kept back for the special purpose of competition. He considered that a certain limit of age should be fixed, for there were cases now when men competed who were nearer 30 than 20 years of age. By endowment of Research he (Lord Edmond Fitzmaurice) should understand something of this kind—that funds might be expended on the promotion of special studies by the University, the building of laboratories, and the purchase of apparatus. Surplus money could in that way be profitably applied. Certain Colleges might, with advantage, devote themselves to special branches of learning or science. The main features of the Bill he cordially approved. What were the cir-

cumstances which had caused a demand to arise for University reform? They were these:—Under the old system a successful candidate for a Fellowship frequently took Orders, which enabled him to hold his Fellowship for a considerable period, during which he did College work, and at the end of which he took a living. The livings acted as a retirement fund. A considerable degree of permanence was thereby secured to the teaching career at the University. Now, however, owing to a variety of reasons upon which it was unnecessary to enter, great reluctance existed among the Fellows of Colleges to take Holy Orders. They consequently had to resign their Fellowships at the end of a limited number of years, and they could not take College livings. There was consequently no permanence in the teaching career, and considerable difficulty was found, owing to the competition of other professions, to induce men to devote themselves to an educational career, and the double evil existed of teachers holding office for very brief periods and never gaining experience, and of the teachers themselves being selected from a more limited area. Another great change had also of late years come over the University. He alluded to the introduction of modern studies, and especially of natural science, which had brought with it great needs in the way of apparatus, laboratories, and buildings. Teachers were wanted for these subjects, for modern philosophy, and modern history, not to mention other subjects, as well as for the ancient languages and mathematics. At the same time, there had been an actual increase in the number of Undergraduates at the University—that was to say, of persons wishing to be taught, and the University even proposed to carry its work beyond its own walls into the large towns. Thus it might be said that a great increase in the educational demand had coincided with a great diminution of the educational supply. There was yet another evil which the changes to which he had alluded made more conspicuous. Each College formally professed to be able to give a complete education with its own staff. There was always a great waste of educational power, because men might be found teaching the same subjects at the same time at two different Colleges; but the weakness of this system became doubly

apparent when the number of subjects to be taught increased. He hoped he had now shown that to give permanence to the teaching career and to organize the teaching body in all the various branches of study and research were the two main objects of University reform. In order to accomplish these ends it would be necessary to abolish the artificial restraints, of whatever character, which hampered the educational career. He might add, in addition to what he had said on the subject of clerical restrictions, that the Commissioners would probably have to consider how far they might be able to relax the rule which made celibacy a condition of retaining a Fellowship. In order that the teaching body should be more efficiently organized, it would be necessary to take further steps in the direction of bringing the teachers of various branches of study into communication with each other, and filling up any gaps which might exist in the present system. It was only natural that the University which largely represented the Colleges, and at the same time was independent of them, should take the lead in this reform. The University of Cambridge had recently appointed a Syndicate to consider the question, and the report of that Syndicate was before the House.

"It is evident," that Report said, that "considerable additional teaching power is required in most departments of University study. Without entering, however, upon a detailed examination of the requirements specified by the Boards of Study, the Syndicate think that these requirements may be partially met (1) by an improved organization of the present Inter-Collegiate system; and (2) by the establishment of a new class of University teachers. There shall be held once a year, or oftener, if the Boards think it desirable, a conference of the Professors, University Readers, and recognized Inter-Collegiate Lecturers in each branch of study, for the purpose of arranging a plan of combined action in teaching, and of considering and determining a scheme of lectures, such scheme to be submitted to the Board, and if approved by it published at the beginning of the academical year by its authority."

Of a similar character were two of the recommendations of a Memorial addressed to the right hon. Gentleman opposite (Mr. Disraeli). That Memorial recommended that a permanent professional career should be, as far as possible, secured to resident educators and students, whether married or not; that provision should be

made for the association of the Colleges, or of some of them, for educational purposes, so as to secure more efficient teaching, and to allow the teachers more leisure for private study. In order, however, that the University should be able to play its proper part, it was necessary that the University should be independent. As matters now stood, the Colleges were rich and the Universities poor—the Colleges powerful and the Universities weak. In an early period of history the University had been independent; but probably owing to their superior wealth the Colleges had gradually got the upper hand, till at last nobody who did not belong to the Colleges was allowed to become an Undergraduate. The Act of 1854 had taken the first step in emancipating the University. The introduction of non-collegiate students was another step in the same direction. It was now necessary to go further. Hence the third recommendation of the Memorial—that the pecuniary and other relations existing between the University and the Colleges should be revised. Such, then, were the main objects of University Reform and the means of attaining those objects in the opinion of those persons most competent to judge. The question remained—from what sources could funds be obtained for the University? He himself would propose that they should at once abolish that comparatively useless position of Heads of Houses. He believed it could be shown that after making provision for the discharge of the necessary duties now performed by them, at least £15,000 a-year would remain. At Oxford, All Souls' College might, with advantage, be wound up, and its funds transferred to the University. At Cambridge a similar course might be pursued with Sydney College. He now approached the question of Fellowships, as to which so much had been said, and such contradictory opinions expressed. He also felt that a great deal of unjust prejudice had been created against the non-resident Fellows by a small body of their number who, imitating the language of Oriental romance, in which people were described as the "Light of the Harem," and the "Glory of the Flower Garden," had described themselves as the "Light of the Bar Mess," the "Glory of the Country Vicarage,"

and the "Chief Support of Periodical Literature." That language had been expressly disowned by other non-resident Fellows, and he trusted the House would not allow itself to be prejudiced by it. There could be no doubt that there was a question connected with these Fellowships, and it was precisely one of those best left to a Commission which could examine it in detail; and, considering that these schemes could be canvassed if necessary in Parliament, the non-resident Fellows might probably rest assured that no injustice would be done them. A certain number of non-resident Fellowships might either be abolished or all the Fellowships, resident and non-resident alike, might be taxed for University purposes. He approached the question himself with diffidence. Many of his own most intimate friends were non-resident Fellows, and it was difficult not to be influenced, even if unconsciously, by the circumstance. Again, it was impossible not to feel that there was a great deal to be said for as well as against the non-resident system. It served to a certain extent as a link between rich and poor, and it helped to keep up a high standard of education by increasing competition. On the other hand, it might fairly be argued that the educational needs of the University and the Colleges ought to be the first charge on University and Collegiate funds; that for one career outside the University which a non-resident Fellowship might be the means of opening to a poor man, the foundation of an educational post inside the University, with the funds appropriated from a Fellowship, would open another, and that more could be done for poor men by cheapening the cost of education generally within the University than by throwing down a certain number of salaries to be scrambled for by the ablest men, who often were very well off pecuniarily. He now asked himself, did the Bill make it possible to organize study, to give permanence to the teaching staff, to alter the pecuniary relations of the University and the Colleges? The 15th and 16th clauses, which were the enacting clauses of the Bill, evidently did. These were the clauses of the most importance, and he believed they did most of what was required. He might regret that the abolition of clerical Fellowships was left to the Commissioners' discretion instead

of being expressly directed ; he might regret that the powers of clerical visitors were left untouched ; he might wonder what object there was in giving the Archbishop of Canterbury an *ex-officio* connection with or rather control over the Universities which he did not now possess ; he might wish the Bill recognized the great work being done by the Universities in the large towns. But those were subordinate points ; and having now gone through the preliminary objections to the measure and shown that they were either based upon a misconception of facts or sprang from Conservative ideas with which he had no sympathy, having also shown that the condition of the University required reform and that the Bill promised the reform needed, he would leave it to the House to judge whether it would not do wisely to urge on the Government to proceed with that measure which they could easily pass, and not allow it to be lost in the sands of July.

MR. MARTEN, as representing a constituency largely interested in this subject and as having formerly been a Fellow of one of the Colleges of Cambridge University, wished to make a few observations on the question. The hon. Baronet the Member for Chelsea (Sir Charles Dilke) had objected to such large powers being conferred upon the Commissioners. He quite admitted that the House should regard with great jealousy large and indefinite powers being given to any body of Commissioners ; but, on the other hand, the powers so given must vary with the circumstances of each case. It should not be forgotten that one Commission had already exercised very large powers with regard to the Universities to the thorough satisfaction of Parliament, and that the powers given by the present measure were restricted by very efficient safeguards. The House might therefore entrust the Commissioners with these great powers in the full assurance that if they came to any decision which was open to question it would, in the first instance, be considered by the Universities Committee and afterwards by Parliament. The composition of the Commission itself formed an important element in determining the question, especially when it was remembered that the members of the Commission were unexceptionable, and that each College

had the right to send one Commissioner to protect its interests. An entirely new Governing Body of the Colleges, including the Fellows and graduates, was constituted by the Bill. This new Governing Body would have power to make regulations which would have the same effect as though they had been made by the Commissioners ; but in this connection it was important to remember that in the University of Cambridge the ordinary government of each College was left in the hands of the Master, and the Senior Fellows, which last must have arrived at the standing of Masters of Arts. In this Bill, as it stood, there was no restriction, nor was there any rule laid down either as to the date at which the annual or other meetings of the Governing Bodies should be held, or the notices which should be given of the business to be brought forward. These were points on which he thought distinct rules ought to be laid down, and when the Bill reached the Committee stage he should be prepared to move Amendments tending in this direction. The right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) had made several important suggestions in reference to the Bill ; but he had gone a little astray in complaining, as a grievance, that the Universities of Edinburgh and St. Andrew's were described in the Bill as "schools" merely. The same observation applied to the University of Oxford, as described in the Cambridge Bill ; and, though he had no absolute knowledge on the point, he had little doubt that a similar remark would apply to the Oxford Bill. Furthermore, the right hon. Gentleman had stated that in the English Universities the facilities for education were confined to the rich classes ; but, as a matter of fact, sizarships were in existence at Cambridge, by means of which many poor men had been educated, and some of them had afterwards risen to positions of high distinction. As to the question of age the right hon. Gentleman had been misled, for the Minor scholarships were confined to students under 20. The right hon. Gentleman also spoke of the enormous bribe which was needed to maintain the study of Greek and Latin, and suggested that young men flocked to the University for the purpose of obtaining the gold which he said was lavishly scattered

about. It was true that a great many students could not afford to go to the University if it were not for the Scholarships and Fellowships; but he could say with the greatest confidence of successful students that they prized more than anything else the honour obtained in open competition. The right hon. Gentleman could not have seen all the laboratories, as in some Colleges they were excellent. The subject of research had been magnified far beyond what it deserved. Those who were advocates for the endowment of research were only reproducing the idea of "idle" Fellowships. Why had such Fellowships been founded? Not for the purpose of teaching, but in order that learned persons might, with a modest endowment, have sufficient leisure for pursuing general research. Then, as regarded non-resident Fellows, the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) said that those who were late Fellows would be in favour of those Fellowships. Not only would late Fellows, but all, he thought, who had experienced the benefit of that particular system would be slow to advocate its total abolition. A University was a comprehensive and many-sided institution, and one limb could not be removed without serious risk of injury to the efficiency of the whole body; and non-resident Fellows presented this advantage, that when they come up to College they maintained their relations with it and brought the leaven of active life to those remaining at College and labouring in the ordinary work of tuition, to the great advantage of the College. Then, again, the noble Lord had suggested the total abolition of the Heads of Houses. That was a proposition which certainly ought not to be adopted without mature consideration. Although the Heads of Houses had comparatively little duties to perform, they had great responsibilities in respect of the government and management of the Colleges, and they were by no means idle men; on the contrary, they were among the hardest-worked men of the University. If they abolished the Heads of Houses they should provide some other means of government, and should probably resort to elected and annual governors, a system which answered very well in municipal corporations, but would not, he thought, be suited to a University. It was de-

sirable that University Scholarships should be increased. The proposal that power should be given to the Colleges to lend money to the Universities was one which would be gladly accepted. There was one thing the Colleges would be very willing to lend money to the University for—namely, for necessary buildings, and also for any other purposes which might be approved. For his part, he hoped the Bill would become law this Session, because he was certain that, at least so far as Cambridge was concerned, it would give entire satisfaction. Whatever difference of opinion there might be as to the mode in which the various changes proposed might ultimately be carried out, it was felt that the Bills were calculated to produce great advantage to the Universities, and through them to the progress of learning throughout the kingdom.

MR. GRANT DUFF: Sir, before expressing any opinion even upon the larger features of the scheme of reform proposed by Her Majesty's Government for the University of Oxford, I wish to say that I approach the subject with a sincere desire to agree with as much and to disagree with as little of it as possible. The right hon. Gentleman opposite (Mr. Hardy) and I have voted in different Lobbies about Oxford affairs many a time, but not a few of the questions on which we voted have been settled; and as they were settled not in the way he wished, but in the way I wished, it is the more natural that on matters which do not involve differences of political principle I should be inclined to support him. Now, I understand that the essence of the Bill is that the revenues of the University and Colleges should be better distributed, with a view to the interest:—First, of religion; second, of education; third, of learning; fourth, of research: and that these objects should be effected by the agency of a Commission, selected not for the purpose of carrying out foregone conclusions, but simply for the purpose of making the best scheme which can be made, after a fair consideration of all relevant facts and opinions. If, Sir, that is the essence of the Bill, then I must claim to be thus far an ardent supporter. The problem before us seems to me this—Given the vast revenues of Oxford, how can they be distributed so as while you keep all that is best and



most distinctive in Oxford, to engraft on it all that is best in the other leading Universities of the world? Now, the things most distinctive of Oxford are its charming situation, its buildings, its gardens, its great traditions, and its social life. As to them, all the supporters and all the opponents of the Bill will, I doubt not, be quite agreed. Then, again, there will practically be no difference as to the first object to which the revenues of the Universities and Colleges are, under this Bill, to be appropriated. Persons at Oxford and persons here may have all kinds of different views about religion; but I presume it is quite understood that no one intends by this measure, or any measure that may be substituted for it in its passage through Parliament, to make any change in the religious observances hitherto practised in Oxford. These, I understand, are by common consent to be left as they are, although we may have differences of opinion as to the relations of various offices to the Established Church, after the usual religious observances have been provided for.

MR. SPEAKER (interposing) said, that the Bill before the House referred to the government of the University of Cambridge, and it was not competent for the hon. Member to discuss the details of the Oxford Bill on the present occasion.

MR. GRANT DUFF said, that the House had agreed to the second reading of the Oxford Bill on the distinct understanding that the fullest opportunity would be given upon the Cambridge Bill for discussing all the matters that could have been debated on the Oxford measure.

Divergence of opinion and action will begin with the second head—that of education. It has long been said outside of Oxford, and has been very generally admitted in Oxford, that the education she gives deals too much with words and too little with things. There is no doubt that the Commission of a quarter of a century ago resulted in very considerable improvement in this as in other respects; but whereas the system in vogue before the changes of the last generation—changes of which that Commission was a part—erred in concentrating attention too much upon the text and contents of a limited number of books, the present system errs in en-

couraging too much a sophistical turn of mind and an over-ready power of making more or less clever observations upon many subjects connected with these books. The new schools would if they had had fair play have neutralized this tendency. But they never have had fair play, and it is the philosophical teaching of the University which gives, and has long given, the tone to the mind of the place—philosophy, or “science,” as it used invariably to be called in Oxford, meaning there merely the opinions of speculatists, chiefly about things with regard to which opinions vary continually, not a knowledge of the ascertained facts of the Universe, or any part of them. I am far from denying that this study as now pursued in Oxford is much more fruitful than it used to be 30 years ago; but, improved as it is, it still holds too large a place in her curriculum. This defect, which ramifies in a thousand directions, being hardly disputed, except by people who have grown up so completely under the influence of the present system as to have their mental vision distorted, I think the Government acted quite wisely in placing the duty of attending to the interests of education very high amongst the objects of the present Bill. But there are other defects in the present system of things at Oxford which are not less grave in themselves than the defects in her plan of education, and which re-act upon it with most mischievous results. She is doing far too little either for learning or research; in fact, she is doing so little for either of these that some people have really, it would seem, forgotten that their promotion is one of the main objects of a University worthy of the name. To think of a University merely as an educating body is altogether to lower the old conception, and nothing is more certain than that a University into which fresh streams of truth are being continually brought by the exertions of those who live in it, will be infinitely more successful than a University which gives its whole attention to teaching, for it is always the newest knowledge that is most stimulating. This defect, again, is admitted by most people who have the interests of the University at heart; and, again, I think the Government has done quite rightly in placing the interests of learning and research amongst those which it desired to ad-

*Mr. Grant Duff*

vance by this Bill. Well then, how are these defects to be cured? To this I should reply—in order to cure these defects a great many changes must be made; and first, there must be a considerable increase to the Professoriate. It is to the last degree disgraceful that at such a University as Oxford any branch of human knowledge which is recognized by the other great Universities of the world should not be taught, excepting always branches of learning which have merely a local importance, or which there is some good reason for not teaching—as, for instance, from there being a place in the immediate neighbourhood where they are specially well taught. Why should Oxford strike her flag to Berlin or Heidelberg, or any other University on the face of the earth? Are they richer than she? Are they more dignified than she? Have they to minister to a nation which has more world-wide interests than ours? A noble Lord recently used as an illustration of useless Professorships—Professorships of Chinese and Slavonic. Sir, it seems to me difficult to speak with sufficient shame of a nation which has our position in Asia not having had till the other day a Professorship of Chinese in the wealthiest of its Universities. Did the noble Lord forget that China is inhabited by some 360,000,000 of men? that she has the oldest and most extraordinary civilization in the world; that we have commercial relations with her of great importance; and that a change that might at any time come about in the policy of that country might increase these relations quite enormously. Is there anyone who has given attention to the subject who will deny that it is possible that within the next 50 years the Chinese race may be playing a part of first-rate importance in the world? So much for the direct importance of Chinese; but is that all? Just listen to what one of the leading philologists in Oxford says on this very subject—

“The importance of Chinese,” says Mr. Sayce, “to the science of language need not be pointed out, nor the mass of literature described which its study has called forth; and yet those only who have devoted their attention to the science of language can have any idea of the loss occasioned to it at Oxford by the absence there of a Chair of Chinese. How much would not the Oxford students of language have given for an opportunity of questioning and listening to a Professor of Chinese, whom it has been left

to the far-sightedness of some Liverpool merchants to call to the University.”

And Slavonic.—I only wish that we had had for many years back Professorships of more than one of the Slavonic languages. Perhaps, if we had had them, the present difficulties in the East would not be so perplexing as they are. I entreat anyone to whom such a remark may appear strange to turn to the collected works of one of the most brilliant and gifted of English scholars, the late Lord Strangford, a most devoted son of Oxford, and read the masterly, the admirable paper entitled *Chaos*, which deals with this very subject. People who talk as the noble Lord talked have surely not the faintest idea, either of the vastness of the field over which human knowledge extends, or of what other nations are doing in cultivating that field. Some time ago, Professor Max Müller was asked what Chairs should be founded in Oxford in connection with his own subject. To this question he replied, *inter alia*, as follows:—

“If it were wished to establish at Oxford a real School of Comparative Philology, the following Professorships would be necessary:—  
1. A Professorship of the Teutonic languages; 2. A Professorship of the Celtic languages; 3. A Professorship of the Neo-Latin languages; 4. A Professorship of the Semitic languages, independent of the Professorship of Hebrew and Old Testament Exegesis; 5. A Professorship of Persian, including Zend; 6. A Professorship of the language and antiquities of Egypt; 7. A Professorship of Chinese, coupled, if possible, with Tartaric and Mongolic.”

[*Laughter.*] Hon. Members laugh, and very naturally; but we are dealing with University affairs, and we must introduce words and subjects very unfamiliar to our usual debates. Mr. Max Müller goes on to observe—

“Such a Staff, though it may seem large, exists in almost every University in France, Germany, and even Russia, the Professor being expected not only to teach and prepare pupils for examination, but to inspire them with a love of special subjects, to carry on the work handed down by former generations, and to increase as much as possible the inherited capital of knowledge by means of original research.”

Now, I beg the House to consider this statement. It sounds strange to us, but if other great nations act thus, can it be so very unreasonable? Mr. Max Müller proceeds to say—

“Considering the peculiar duties which England has undertaken to fulfil in India, a Professorship of the Neo-Sanscritic languages (Ben-

gali, Hindustani, Mahratti, &c.), and of the Dravidian languages (Tamil, Telugu, Canarese, &c.), would likewise seem to be required in the first University of the English Empire."

The non-existence at Oxford of any adequate representation of the various branches of knowledge which are specially Indian, is surely one of the very strangest phenomena observable in Europe. There died the other day a great Persian scholar who had made his fame in a land not his own. If an English student wanted to attend the lectures of M. Jules Mohl, whither had he to go—to an English University? No—to the Collège de France. Yet, what interests has France in Persia, or Persian, at all comparable to ours? The noble Lord the Under Secretary for India will correct me if I am wrong when I say that the decay of Persian learning amongst Indian officers is a serious practical inconvenience—an inconvenience which has attracted the attention of Government and to which it is not easy to apply a remedy. Quite recently several of the Indian languages have become recognized at Oxford; but I remember when there was not even a teacher of Hindustani; and to this hour if any one wants to have a notion of what is doing in current Indian literature, he must turn again to the Collège de France and read the annual statement of one of its Professors, M. Garcin de Tassy. Let any one who cares for the good name of Oxford look at what the Orientalists have done since the days of Sir William Jones, and then count up what share Oxford has had in that splendid page of human history. It is getting late, but it is not yet too late for her still to take her part. Can the present generation of her children really wish that her historians in the end of next century shall not have a very different tale to tell from what could be told of her now? What should we think of any other nation which had such an appanage as India and did not recognize it in its greatest national University? Do the Dutch at Leyden ignore their Eastern possessions? Very far from it. The mere fact that Haileybury was created far away from either Oxford or Cambridge, speaks volumes as to the melancholy state in which they were in those days. Of course it is an open question how far certain minor branches of knowledge, especially professional knowledge,

which are well taught in London, should be taught at Oxford or Cambridge. If the Inns of Court, which are doing their duty better than they used to do, were doing all their duty, I suppose some departments of law might be left quite unrepresented at Oxford, at least, till more pressing wants had been supplied. And what may be said of law may be said, I presume, even more confidently, of medicine. In such a study again as engineering, Oxford might most reasonably decline competition with Cambridge, and so with all departments of mathematical inquiry not hitherto represented within her walls. The accidents of history have made Cambridge the great mathematical University, and it would be a waste of revenue to compete with her. But how stands the case with regard to one of Oxford's own subjects—with theology. Any one who inquires will find out that the higher branches of theology are hardly represented at all. Now, unless we are prepared to say that these studies are not worth encouraging—and I trust it has not quite come to that—there is a *hiatus* in our organization which should immediately be supplied. Any one who cares to see how great our wants are, should read the paper on this subject by a working theologian in the volume lately published by the Rector of Lincoln, entitled the *Endowment of Research*. Some people say—What is the good of increasing the number of Professors, seeing that those you have already get so very few to come to their lectures? Of course, those you have already get very few to come to their lectures—and why? Because the University has adopted one of the strangest plans for neutralizing its own efforts that it ever entered into the heart of man to conceive. First, it takes a large sum of money and devotes this to paying Professors—many of them men of great ability and capable of carrying their hearers very far in their respective subjects. This done the University takes a very much larger sum of money and singling out a few subjects from amongst those which the Professors teach says to all persons *in statu pupillari*—the last thing I want you to do is to follow any of my Professors very far into his particular subject. I want you to regulate your reading by my examinations, which have nothing in the world to do, except

on the rarest occasions, with Professorial lectures. Side by side, however, with the Professorial lectures you will find another system in active operation worked by College tutors and private tutors. Throw yourself into that—succeed in it, and I will shower down on you honours and emoluments. No wonder that the academic youth leave the Professor's lectures and go in crowds to the College tutors and the private tutors. Besides in my time, and I suppose to this day attending your College tutor's lectures was a matter of obligation, and these lectures were so arranged as to have made it very difficult for any one to have regularly attended Professorial lectures, even if he had wished to do so; but hardly any one did wish to do so, or could wish to do so, when doing so was quite foreign to the spirit of the place, and would unquestionably have in the case of any man who was likely to do well in the schools been made a subject of grave remonstrance by College authorities and friends. If, however, all this is changed; if a very large part of the money which the University now uses to bribe young men not to go to its own Professor's lectures is taken away, there is no reason why the Professor's lectures should not be attended at Oxford just as they are at any other University. But, after all, you do not want Professors merely for the purpose of teaching students, you want them for two other purposes—First, to represent their particular subject, and to influence by so doing the general body of learned opinion in the University; and, secondly, to push on their own subject by experiment or editing of new texts or otherwise as the case may be. One of the very best ways to advance the interests of learning and research is to create Professorships with certain moderate but well-defined duties in the way of publishing the results arrived at, whether by lectures or in transactions as would often be better. An hon. Friend of mine told us in the early part of the evening that Stanislas Julien had only three pupils. But surely that very case showed that teaching was not the only duty of a Professor. My hon. Friend would be the last man to deny that Stanislas Julien had done a great deal for our knowledge of China. The leisure which his Professorship gave him enabled him

to push on the study in which he excelled very greatly indeed. I daresay the Professor of the Semitic languages at the Collège de France had only three or four pupils. Why should he have a large number? No one wants any large portion of the youths of France or England either to study the Semitic languages. What is wanted is some one fit to teach the few that do, and, further, a man able to add to what is known as about Semitic antiquity not by pupils, but by Professors. But although the founding of Professorships, or sub-Professorships, or Lectureships, either permanent or occasional, is one very good way of endowing research, it is not the only way, and there should be ample funds at the command of the University for stimulating research, not often, or even generally carried on within her walls. Those who find any difficulty in this, have surely never reflected how all branches of knowledge hang together, and in how many ways success in one direction enables enquirers to advance in some apparently at first sight quite different direction. Thus far, then, I think I have shown that I quite agree with the purpose of the Government, and now I want to say a little on the way in which it proposes to carry its object into effect. It proposes to create a Commission. I listened with very great interest to the trenchant observations of my right hon. Friend the Member for the University of London upon the composition of that Commission and upon the characters of its individual members—observations which exhibited, as all will admit, the most engaging frankness; and when my right hon. Friend was examining, for example, the character of Lord Selborne, whom he had known intimately for fifty years, I had nothing to do but to listen. When, however, he came to the character of Sir Henry Maine, my position was different—for if I had not known Sir Henry Maine for fifty years I had known him extremely intimately for three and twenty years in all sorts of situations and capacities, and I must take leave to dissent from the view of him which was given us by my right hon. Friend. My right hon. Friend was quite misinformed when he said that Sir Henry Maine was the *alter ego* of Lord Salisbury. He is nothing of the kind. He is a man far too original and far too

independent to be the *alter ego* of Lord Salisbury or of any one else, and it is no disparagement to one whose ability those of us who have sat many years in this House have had many opportunities of estimating and admiring, to say that on University subjects and on Indian subjects Lord Salisbury would be much more likely to be the *alter ego* of Sir Henry Maine than Sir Henry Maine of Lord Salisbury. But the truth of the matter is that they are simply two extremely able men, who chance upon several matters which happen to be before the public at this moment to have come, from very different sides, to the same conclusions. To-morrow they may come to different conclusions; and, if so, they will frankly act upon their conclusions, for neither of them is in any sort of way bound to agree with the other. I have seen much more of the working of the Council of the Secretary of State for India than any man now in this House, and I may say that the position of a Member of the Secretary of State's Council is one of perfect independence. If he is a sensible man he will of course wish to support the Secretary of State when he can, just as the Secretary of State will in his turn always wish to carry his Council with him. Unless this disposition prevails on both sides Indian business will be badly done; but no Member of Council of whom it could be truly said that he was the *alter ego*, or anything like the *alter ego*, of the Secretary of State would be expected either by his fellow Councillors or by the Secretary of State himself—

MR. MAITLAND rose to Order. He wished to point out that the observations which the hon. Gentleman had just made, and his reference to the speech of the right hon. Gentleman the Member for the University of London on the Oxford University Bill, were not relevant to the question before the House.

MR. SPEAKER said, he had already called the hon. Member to Order, but he understood that it was the wish of the House that both the University Bills should be discussed as one.

MR. GRANT DUFF proceeded: It was quite necessary for me to enter into these details in justice both to Sir Henry Maine and to the Indian Council, but I now return to the main line of my argument. I am not going to add any-

thing to the adverse comments which others have made on the names of the Commission, nor am I going to suggest any new names, but surely there are two most palpable omissions. Is it possible that in the present state of science any Government should be satisfied without having some person to represent the sciences into which life enters, the same which used to be, roughly speaking, lumped together under the name of natural history? Mr. Justice Grove, of course, represents one side of science, but how has the other side fared? Is there any one who knows or cares anything about it on the Commission as at present constituted? Again, have we not a great deal to learn from Foreign Universities? Is there any one on the Commission who knows anything whatever about these. My right hon. Friend who has charge of this Bill will, in his capacity of Minister of Public Instruction, admit that the War Office has learned much from Germany. I can hardly think that he will maintain that in the capacity he temporarily fills, of Minister of Public Instruction, he has nothing to learn from the countrymen of Moltke, and Goeben, and Roon. There should be manifestly on the Commission some one who either knows already, or will, for the purposes of the Commission, make a special study of at least the German Universities. The addition of two such members as I have suggested seems to me of most urgent necessity. This is no Party question. I, for one, am nearly indifferent to the political opinions of the persons to be selected, but not to have two such persons on the Commission will expose us to the ridicule of all Europe. There are various provisions in the Bill to which exception must be taken at the proper time, as, for instance, the proposal that three members of a College should be elected by that College to sit with the Commissioners—a most unfortunate arrangement, and one likely to cost the Commissioners a great deal of trouble. I will not, however, dwell upon any of these points at present, because I wish to concentrate attention upon the Commission. If that Commission is strengthened by the addition of two such members as I have mentioned, I think we can with some confidence hand over the University and its Colleges to their manipulation; but if the present Commission is

*Mr. Grant Duff*

to remain as it is, then I think it will be the duty of those who sit on this side strongly to oppose the further progress of the Bill. The wish, however, which we have expressed is so reasonable, is so absolutely without bearing upon any question that is open between the two Parties, that I should hope the Government would entertain it favourably. It cannot be their object to create a Commission which is wanting in such essential elements as the representation of one whole side of science, and the presence of some person who has an acquaintance with what other nations have done for the higher education of their people. The little volume which I have in my hand gives a bird's-eye view of the vast Professorial activity of Germany, and that that Professorial activity results in an astounding literary and scientific activity. Mr. Appleton, a member of a most Conservative College—of Archbishop Laud's own College, writes as follows:—

"In Oxford, the actual additions to knowledge that are made in the course of a generation in the old traditional studies of Latin and Greek philology are, as compared with what is done in Germany, almost inappreciable. Perhaps I may be allowed to speak with some authority on this point, as it so happens that the whole learned and scientific literature of England and the Continent comes in some form or other regularly before me year by year. And I do not think that I am doing England an injustice when I say that, whilst the annual product in Germany of original investigations in the sphere of the classical languages and literatures amounts to something like 200 distinct works, those produced by England in the same time and in the same province do not exceed a dozen. I may quote also a similar opinion expressed recently by Dr. Frankland in his evidence before the Royal Commission on Scientific Instruction, with respect to the comparative amount of original work contributed by England and by Germany respectively to chemical science. He says—'A year or two ago I took the trouble to look out in regard to chemistry the number of original investigations made in each country during one year. . . . In the year 1866, which was the year I enquired, 1,273 papers were published by 806 chemists. Of these, Germany contributed 445 authors and 777 papers; France, 170 authors and 245 papers; the United Kingdom, 97 authors and 127 papers. I may mention, however, speaking exclusively of chemistry—for I have not gone into the other sciences—that as far as research in Great Britain depends upon our scientific training, our case is much worse than appears from this comparison, because a large proportion of those papers contributed by the United Kingdom were the work of Germans residing in this country, but who had not been trained in this country.'"

He then goes on to quote some most interesting statistics of the comparative literary activity of the two countries in 1873, statistics which are again not to our advantage; and I beg the House to remember that from the beginning of 1866 to the end of 1873, not literature and science, but politics and war, were the chief occupations of Germany. Within that period she revolutionized all her political arrangements, struck down two great Empires, and fought some of the most tremendous battles that are recorded in history. At the beginning of last century the German Universities were far inferior to our own. A little more than a hundred years later they were far in advance of them; but there is nothing to prevent their respective positions being entirely reversed before the year 1900, if we are only wise now—if, that is, we take the trouble, in reforming our Universities, to pay regard to what other nations have been doing; and if we further remember that a University which does not, at least, try to advance within its walls, as well as to teach, every branch of human knowledge, which there is not some special reason for its not teaching, is not such a University as a great country like this ought to be satisfied with.

Mr. RAIKES was anxious that the question, having been once opened, should be concluded during the present Session, and he therefore asked the House to consider one serious evil which existed in both our great Universities, and which might seem to warrant the interference of the Legislature. A system had been growing up which had deprived many of the poor scholars of those means which would have enabled them to emulate the glory of those who had risen from that class. The system which existed had placed advantages more within the reach of rich men than within the reach of those who were somewhat unfairly handicapped. By bestowing endowments in the shape of prizes, we heaped emoluments on those who could make their way elsewhere, and withdrew funds which might be employed in educating their fellow-University men. All who had had the advantage of a University education must have been struck by the fact that everything in education that was worth having had to be paid for by the student himself. The expenses of living at the Universities were

such as almost to frighten a parent in the first instance; and when a student got there, he found that he had to pay £40 or £50 a-year for a private tutor, for the College lectures were not at all calculated to qualify a man to take honours. In view of these circumstances, he trusted the Commissioners to be appointed under the Bill would make it their endeavour to improve the educational facilities of the Colleges—to make the education bestowed by the Colleges, in fact, such a reality as might suffice for a University career. It was, he thought, a great and a crying scandal that a man should be called upon to provide for himself that which the University might reasonably be called upon to give. Another circumstance to be regretted was that men of the greatest attainments were frequently attracted from the Universities by higher emoluments elsewhere. Without particularly wishing to see the army of Professors increased, he hoped some pecuniary provision would be made in order to retain for the University the services of distinguished men. He trusted the House would take such steps as it could to impress upon the Government the necessity of taking the advantage that was now afforded of legislating once for all on this important subject.

MR. GREGORY confessed that on first reading the Bill it appeared to him calculated to sacrifice the interests of the Colleges to the University; but he had been re-assured on that point by the speech of the right hon. Gentleman who introduced the Bill, and by the tone of the debate generally. As he understood the right hon. Gentleman, the College revenues were to be appropriated only to such purposes as were common to the Colleges and to the University; and the interests of the Colleges, so far from being sacrificed, would be carefully protected. In these circumstances, a great number of the objections which occurred to him on first reading the Bill, fell to the ground. His right hon. Friend felt that there were University requirements for which further development was necessary, and that the Colleges had some means which might be appropriated to that service; but he thought there should be some kind of assessment fixed by the Bill or understood by the Commissioners, beyond which the contributions of the Colleges should not be

required, and hoped that some clauses would be introduced into the Bill for the protection of those Colleges in that respect. He also hoped that some power would be given to the Commissioners for regulating the residence of Undergraduates and the terms which they were required to keep as a qualification for a degree. It appeared to him that three years was quite unnecessary for an ordinary degree, and that it frequently led to a waste of time on the part of the student and to useless expenditure by his parent.

MR. BRISTOWE, referring to the criticisms of the right hon. Gentleman (Mr. Lyon Playfair) said, he looked upon Oxford and Cambridge from a different point of view from that of hon. Members who agreed with the right hon. Gentleman; they looked at them as examining Universities, while he regarded them as residential Universities. This all-important fact constituted an immense distinction between Oxford and Cambridge and the Scotch and German Universities. The right hon. Gentleman said that every four undergraduates at Oxford and Cambridge held scholarships or exhibitions; but here he must have been strangely misinformed, for certainly not more than one in 10 or 12 did so. With regard to the Commission, he thought, on the whole, that it might with advantage have included some Members who would represent "new blood," and who had not been educated at the Universities; and he also endorsed the opinion that the duty of University reform belonged to the State, and should not be shunted on Commissioners. He could not understand why a change should be proposed in the composition of the Governing Body, and feared that the inevitable tendency of these Bills would be to increase largely the Professorial Staffs of the Universities at the expense of the College Fellowships. He saw no objection to the Colleges contributing a certain amount for the purposes of the University; but the most serious matter was the power taken in the Bill to impose Fellows on the Colleges because they held University offices. No doubt it was only a power, but that power might be exercised, and against the will of the Colleges. Moreover, he could not approve the creation of an inter-Collegiate Staff, as the effect of it would be to destroy that wholesome competition which

had hitherto existed between the different Colleges. It seemed to him that it would be far better if the powers of the Commissioners were somewhat more limited, and if the objects of the Bill were more clearly defined. But he believed no difficulties would be placed in the way of passing these Bills into law.

MR. GÖSCHEN said, he thought that the House and the 225 Members of it who, they had been informed by his right hon. Friend (Mr. Lyon Playfair) had been educated at the Universities of Oxford and Cambridge, had every reason to be satisfied at the tone in which those Bills had been discussed, and at the feeling which had been expressed with regard to their general objects, so far as they were at present able to make out what the result of the Bills would be. He must take exception to a phrase used by the hon. Member for Cambridge when he spoke of the Universities as not being national. On that (the Opposition) side of the House the contention had always been that the Universities were national institutions. He was glad that the fact had been more and more established; and, thanks to those conflicts which had been fought a few years ago, in which they were victorious, the public attitude towards the Universities on all sides had greatly changed. But for the spread of the feeling that the Universities were more and more developing the character of national institutions, the application of the large funds at their disposal would have been treated differently in the House. He was glad to think that from no quarter of this House at least—though he did not know what the friends of Research might have done out of it—had there been any suggestion that any portion of the funds should be devoted to any purpose distinct from Collegiate and University purposes. Allusion had been made to the work done by the Universities beyond the precincts of Oxford and Cambridge, and to the local examinations by which they were more and more establishing their hold over the general education of the country. He believed that the Universities were now reaping the reward of the system which they had lately been pursuing, and that the House was able to treat those questions with greater unanimity than would have been the case at any time during the last 40 years. In these

circumstances, the House was asked not to legislate, but to give enormous powers to the Commissioners to legislate in its place and to perform certain functions which they were beginning to hope might be defined in the House, but also which they were beginning to believe would be totally different from the objects originally contemplated. The original objects laid down by a Cabinet Minister were mainly two—first, to deal in a comprehensive and somewhat revolutionary manner with what were called “idle Fellowships;” and, secondly, to transfer the funds from them to the endowment of Research. He was happy to see that so far as the debate of two nights had progressed, there were two points on which the House was agreed—one, that no revolutionary measure was to be applied to those Fellowships, and the other, that Research was not to be endowed in the way that seemed to be originally contemplated. But he wished to know what security they had that these views, which were also the views of the right hon. Gentleman the Member for the University of Cambridge (Mr. Spencer Walpole) and of the Secretary of State for War, would also be the views of the Commissioners who were to legislate for the University. At the same time, he might express a hope that the debates in that House would have a useful result in showing the opinion which the House of Commons entertained on the subject. As originally drawn, the Bill had a bias in favour of the University as against the Colleges, and it was the existence of that apparent bias which had considerably alarmed many who took an interest in University education. He admitted, however, that he did not discover that bias in the speech of the right hon. Gentleman the Secretary of State for War; but the words Professorial system, as contrasted with the tutorial system, were so little understood out of that House that it might not be out of place to say a few words on the subject. They were asked by the Bill to increase the staff of Professors; but everyone acquainted with the matter knew that the duties of Professors, as distinguished from tutors, were outside the curriculum of the University teaching. What security was there that if Professors were appointed measures would be taken that those Professors should have pupils?



At present every undergraduate could pass through the University and get his degree without attending a single lecture. The College tutors were not prepared to say that they would hand over to the University Professors any work they now performed, and accordingly the lectures of the Professors would continue to be a kind of collateral luxury, very good in itself and useful to those who had time to attend the lectures, but which did not fit in with the general teaching. It was therefore desirable that the greatest precautions should be taken in increasing the staff of Professors, lest in doing so they should be only creating a certain number of sinecure offices. He had heard that the lectures of a new Oxford Professor lately appointed at a salary of £400 a-year were attended in the first term by four pupils, in the second by only one pupil, who was a personal friend, and in the third term by not a single pupil. It was urged that unless a number of new Professorial Chairs were established, it would be impossible to keep the best men at Oxford; but he strongly objected to increasing the Professoriate merely in order that there might be a greater flow of promotion among the tutors. Nobody, he thought, would contend that the Oxford and Cambridge Professors had not sufficient leisure at present to devote to study and Research. Their lectures might do a great amount of good in raising the tone and broadening the general line of study on various subjects, but they must be regarded as collateral adjuncts to the University system and scarcely as a part of it. Then if there was to be this increase in the number of Professors the mode of appointing them must be looked into. He trusted that the Government would exercise its influence to induce the Commissioners to look into this matter, as there was no part of University reform so important. If the mode of election were not satisfactory the appointments would not be satisfactory. It was notorious that at Oxford not only religious but political considerations were taken into account.

MR. SPENCER WALPOLE pointed out that by Clause 15, section 5, power was given to the Commissioners to inquire into the mode of the election of the Professors.

MR. GOSCHEN said, he was aware

*Mr. Goschen*

of that, but the point was not dwelt upon by the right hon. Gentleman himself, nor by the Cabinet Minister who was responsible for this measure in "another place," nor by the right hon. Gentleman the Secretary of State for War. He might state that on making inquiry at Oxford he found that the unattached students who did not belong to any particular College did not attend the University lectures in any great numbers or as a part of the educational system of the University. Now, as to the "endowment of Research," he was rather curious to know whether, after the opinions which had been expressed by so many Members on both sides of the House, those words would be allowed to remain part of the Bill. He had expected to hear from his right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair) that research ought to be endowed; but his right hon. Friend distinctly dissuaded the House from endowing research, so far as giving more money to enable them to study was concerned; but his right hon. Friend was favourable to the endowment of research by supplying actual physical means for prosecuting studies of this kind, such as laboratories and libraries. For his own part, he had no objection to sums being granted from the funds of some of the Colleges for University purposes, provided that they could be satisfied that those purposes would be really fulfilled, and that these were purposes which would command general sympathy. When the word "research" was used, they did not know whether it was used in a restrictive sense. His right hon. Friend had pointed out that the real work of research had generally been conducted by men engaged in the work of education. Take the great classical names of the Professors in Germany—they were engaged in teaching work in the Universities, and it was in their leisure hours that they conducted their researches. His belief was this, that though in "another place" a feeling was produced that great progress would be made by the endowment of research, public opinion had so far been brought to bear on the point that a considerable change had occurred, and the fear now appeared to be felt that the result would be the creation of sinecure offices. He agreed that this question must not be looked at in a mere Oxford

and Cambridge point of view, but nationally. Our Universities did not educate a single class of the community, but they were doing national work. It was a very false view to imagine that the Universities taught only Greek, Latin, and Mathematics. A distinguishing peculiarity of the English University system was that it did not give a narrow education in any particular profession, but proceeded upon a broad basis. A result of this characteristic had been that the Universities of Oxford and Cambridge had laid the foundation of all the liberal professions in the country, and had also established a most valuable bond of union between the members of those professions. It was no discredit to these great institutions that they had been able to send as many as 225 Members to that House. In other countries theologians went to their Universities to learn theology, and lawyers went to study law, but they suffered from the want of the career which was provided in England. It formed part of the history and traditions of the Universities that they should be broad and professional in their character. Then as to the mode in which the Bill was to be carried out. He was sorry to find a theological element in the Bill and a strong theological element in the Commission that was to carry out the Bill; and he hoped that in Committee the Government would assent to clauses with regard to the theological Fellowships. Agitation as to University reform would not come to an end so long as a large proportion of Fellowships were to be tenable only by clergymen of the Church of England. So anxious were the framers of the Bill to protect everything connected with theology, that there was a clause to legalize the continuation of voluntary payments by the Colleges. This meant that they were to have the power to appropriate a portion of their funds to the augmentation of College livings. In a Bill dealing with Academical reform, no such proposal ought to be found, and he hoped it would be expunged before the Bill was allowed to pass through Parliament. Again, what was to be the policy of the Commissioners? There had been two different declarations upon this subject in the two Houses of Parliament—and the Commissioners would be able to act in one sense or in the other. It was

said that the Commissioners were to have perfect freedom, and therefore they must look to the constitution of the Commission. They would have power to change the tutorial into the professorial mode of teaching. The right hon. Gentleman the Member for the University of Cambridge had read a memorial of leading and resident members of the University of Cambridge in which they expressed a wish that the principles which Members on the Opposition side of the House approved of should be recognized in the Bill. But those principles were not recognized in the Bill. They wanted to know what was the scope of the action of the Commissioners. Supposing they had perfect confidence in the Oxford Commission, which they had not—he had not heard any one outside the Government circle say that it was a really satisfactory Commission; Lord Selborne was President of it; they had confidence in him, but if he resigned his office of President, the remaining Commissioners might choose their Chairman, and it might happen that by way of compromise a weak man would be chosen. The Commission had been appointed under Parliamentary criticism, and as its powers were to extend from 1876 until 1883, its whole constitution might be rapidly changed. This was not a satisfactory position in which to place the question, and he suggested a compromise by which, if the Government would provide a more satisfactory Commission, the House of Commons should be less particular in its inquiries as to what the Commission was to do. As at present constituted he entertained serious misgivings as to the arrangements in regard to the Commission. Even at this late stage he thought Her Majesty's Government might be urged to satisfy the House that certain principles would be laid down and what would be the scope of the reforms.

Mr. MOWBRAY cordially joined the right hon. Gentleman the Member for the City of London (Mr. Goschen) in congratulating the House on the tone and temper in which this debate had been conducted. He also congratulated his right hon. Friend (Mr. Walpole) upon the admirable choice of Commissioners which he had made. He thought he had some reason to complain of the language of the right hon. Gentleman

the Member for the City of London with regard to the Oxford Commission. That Commission was selected, not merely by Lord Salisbury, but by the whole of the Government. The right hon. Gentleman said he should like the Commissioners to come down to that House and make a statement as to their proceedings. There had been a number of Commissioners appointed of late years; but although some of the Commissioners were Members of that House, no one had ever heard of their coming down and making a public statement. A more extraordinary—he would almost say a more preposterous—statement he had never heard.

MR. GOSCHEN explained that he had only put the case hypothetically. He had said that if it were possible for the Commissioners to make a statement the House might feel more confidence.

MR. MOWBRAY said, that the right hon. Gentleman had asked what the Commissioners were to do. They would have the same freedom of action as the Committee of 1854, and it was known what they did. He (Mr. Mowbray) contended that there was a substantial agreement on both sides of the House as to the merits of the Bill. Hon. Members opposite had, it seemed, no great fault to find with the Bill itself, but they had expressed some distrust of language which was said to have been used in "another place," of which the House knew nothing, and with which it could not deal. What that House had to do was to look to the Bills themselves, and the exposition of their provisions that had been given by his right hon. Friends who had charge of them. There had been no proposal from any authorized quarter of an unlimited extension of the Professoriate. There had, no doubt, been vague and wild schemes floating about the Universities. The hon. Gentleman (Mr. Grant Duff), who had "surveyed mankind from China to Peru," had proposed that there should be Professors of a great many languages. A moderate extension of the Professoriate, and a moderate endowment of research were to be desired, but nothing more. Allusion had been made to the theological element on the Commission. There had been Bishops, Deans, and clergymen on former University Commissions, and it was almost impossible

to conceive a good Commission to carry out these Bills unless they contained a certain amount of the clerical element. The right hon. Gentleman (Mr. Lyon Playfair) said that the Universities ought to be conscious of their responsibility to the nation, and that University teaching ought to meet every profession and every occupation. He contended that the Universities had shown themselves conscious of their responsibility to the nation. It was the fault of society and not of the University system that men did not go to College when they were very young. It had been generally admitted to-night that a necessity for legislation existed, and that that necessity arose out of the Report of the Commissioners appointed by the right hon. Member for Greenwich (Mr. Gladstone) in 1871. If legislation on the subject were necessary, there could be no doubt that the present was an exceptionally favourable time for introducing it, and there could be no doubt that the feeling both in the Universities and within the walls of that House was in favour of a settlement of the matter. The only opponent of the measure was the right hon. Member for the University of London (Mr. Lowe), who was anxious for delay not for academic, but for political purposes. The right hon. Gentleman objected to a Conservative Government reforming the Universities. All he wanted was that the matter should be delayed, upon any pretext, in order that the glory of dealing with it should be obtained by the Liberal Party. As regarded non-resident Fellowships, while he (Mr. Mowbray) was prepared to limit their tenure, he was not prepared to abolish them. They were a great incentive to industry in students during their undergraduate career; they formed a fitting reward at the close of that career; they were a great assistance in the early struggles of professional life; they were useful in maintaining a connection between the Universities and the world; and he hoped a certain number would still be maintained, even after the expiration of the term to which they were limited, if only on a small nominal income, at £50 a-year or less. Moreover, such Fellows would always form a valuable element in the election of Heads, for if the number of Fellows were considerably reduced, there would be too small a constituency for the election of

*Mr. Mowbray*

**Heads.** He doubted if any one would be prepared to follow the revolutionary suggestion of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) to sweep away the Heads of Houses. It might have been popular three or four years ago, but so far as he could learn the idea was losing ground. There must be Heads in great establishments like the Colleges within the Universities, and it was a mistake to suppose that they had not active duties to perform as well in connection within their own societies as in relation to the University. He heartily welcomed assistance being given to meritorious students, who were poor; but he hoped such provision would not be limited to the "unattached" members of the University, but extended to young men equally poor who might be found within the Colleges and especially the Halls. The competition and rivalry between the University Press of Oxford and Cambridge and the Queen's printer, the latter having the monopoly of printing Bibles and Prayer Books, was very great. The University Press of Oxford had a proposal made to it which it was obliged to decline to supply Bibles at prime cost, and give in the binding, which showed that the work was not so very remunerative as many supposed. Some of the minor books published were remunerative, and they found as ready a sale in America as in England, and also some of the better books.

**LORD FRANCIS HERVEY** said, he did not refer to their being unprofitable, but that they were unworthy of the University to publish.

**MR. MOWBRAY** said, the Bills before the House were favourably regarded in the Universities, and he earnestly hoped the House would pass them this Session.

**SIR WILLIAM HARCOURT** said, that if he were asked why they had spent two nights in discussing the principle of those University Bills he would say it was this—that they had been engaged in repudiating the motive, the aim, and the object which was professed by their promoter in "another place," and which no one had more distinctly repudiated than had the four Representatives of the Universities in question in that House. They might therefore treat with the disregard which it deserved all that had been said as to "idle" Fellowships and Research. There was, as had

been acknowledged in the course of the debate, nothing whatever in the Bills of either of them to justify the speech in which they had been introduced to the public. In fact, the object of the two nights' debate had been to repudiate the motive for the introduction of the Bill which had been propounded by the Chancellor of the University of Oxford. It was because he believed that the Commission to be appointed would not adopt the scheme of the Chancellor of the University, and would not carry out his views as expressed in his speech, that he supported the Bill. His right hon. Friend (Mr. Lyon Playfair) praised the Scotch system, and said that if our Universities would adapt themselves to modern wants and occupations they need not offer gold. But what had the Scotch Universities done? They came to the English Universities for their best men. They had taken away Mr. Jebb, Professor Thomson, and others. The reason was because the Scotch Universities could not offer sufficient inducements to men to become ripe scholars and distinguished mathematicians. You could not breed your Bentleys, Porsons, and Adamsons unless you could offer the advantage of these endowments. The talk about repudiating "idle Fellowships" could only have proceeded from men ignorant of University life and of the principles on which Universities worked. That mischievous phrase was one of the obstacles which had stood in the way of the Bill. With regard to the appointments of new Professors recommended by the Commissioners, the new men were men who, in his opinion, would not obey the Commissioners who appointed them. They were of a class of men who constituted themselves into Mutual Admiration Societies, and congratulated each other as "deep thinkers." They might be deep thinkers, but they produced nothing. Those were the class of men whom the Commissioners were contemplating to appoint. They prided themselves on being masters of Research. Now, Research was very important when pursued by such men as Sir Isaac Newton; but there were various kinds of Research, and the idea of giving a man £1,000 a-year to go into a corner to think was absurd. It reminded him of a man in church, who, when he was woke up, closed his eyes and said he was "absorbed in deep thought." He would be

sorry to see the younger Professors marry in too great numbers, because they would not be able to maintain their families without resorting to other employments, such as writing articles. It reminded him of the famous lines of Dr. Johnson—

"What ills the scholar's life assail—  
Toil, envy, want, a patron, and a gaol!"

In this couplet he would only substitute one word, and make it read—

"What ills the scholar's life assail—  
Toil, envy, want, a matron, and a gaol!"

The proposal to increase the number of Professors was highly objectionable. There were at present five theological Professors at Cambridge, and yet there was now talk of increasing the number, as if five were not sufficient to teach all that could be known of that science, grand as it was. As to shortening the terms of Fellowships, that was a point upon which they were all agreed. There were some things in Cambridge which wanted doing very much. Better buildings were wanted for the conduct of the business of the University. The want of museums was a scandal; and it was only recently that, thanks to the liberality of a Chancellor who did not make speeches, but gave £10,000, they had obtained a Natural History Museum. The reason the University of Cambridge was satisfied with this Bill was that they had confidence in the Commissioners, and knew that they would not countenance the nonsensical views which had been put forward by some persons on the subject. He was sorry that Oxford was dissatisfied, and he thought had cause to be dissatisfied, with the gentlemen in whose hands their destinies were to be placed. It would ill become him to criticize those gentlemen, and he would only say of them what Mr. Burke said of Lord Chatham's Cabinet—that it was a curious piece of tessellated work. The names of some of these gentlemen had created the greatest amazement at Oxford, and the name of one of them was received at the University as a joke. One of those gentlemen to whom he was indebted for his earliest University instruction was Sir Henry Maine, a man of the greatest eminence; but he had got the duties to discharge of transacting the affairs of 200,000,000 of people, and of instructing the young men at Oxford in

law, and it was impossible for him to find time to act on this Commission. Then there was Mr. Justice Grove, a distinguished man of science and a most able Judge; but he had always understood that the time of a puisne Judge was so fully occupied in his judicial duties that it was impossible for him to find a leisure moment. Yet this gentleman was selected to be a member of a Commission that must occupy much of his time for years. The Oxford Commission did not inspire the University with confidence; and, this being so, its work was not likely to be accepted as a final settlement. Fortunately, these remarks did not apply to the Cambridge Commission, which had been happily selected, and would, he hoped, perform a useful work for the benefit of this University.

MR. GATHORNE HARDY said, he was somewhat amused at the conclusion to which his hon. and learned Friend had come. He was horrified that a Judge should be put on the Commission for Oxford, but he praised the Cambridge Commission, forgetting that one of its members was the Lord Chief Justice. He might remind him also that Mr. Justice Coleridge had served on the Oxford Commission of 1854. If it was a dreadful thing to employ a Judge on business outside that of his office, what a terrible thing it was to send Sir Alexander Cockburn to Geneva to spend so much time there on an arbitration on the question of the Alabama claims. In fact, the hon. and learned Gentleman came down with jokes rather than arguments, and some of them were very good jokes indeed. Instead, however, of firing them off, he should have attempted to answer the arguments of the hon. Member for the Elgin Boroughs (Mr. Grant Duff) and those of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice). The right hon. Gentleman the Member for the City of London (Mr. Goschen) had said—"If you are going to make this multitude of Professors you must give us an engagement that you will find them pupils." He repudiated the intention to make a number of Professors, and he equally repudiated the duty of finding them pupils. As long as the present system of examination prevailed, which required the existence of the tutorial system, the Professors would not have many pupils;

*Sir William Harcourt*

but, at the same time, the Professors performed very useful services though their lectures might not be largely attended. With respect to the appointment of Professors, the Bill gave the Commissioners power to alter the terms of eligibility and the method in which they were to be appointed. The decision of the Commissioners would not be final, and every care was taken that the interests of the Colleges should not be disregarded. It was an assumption outside the Bill that there should be any robbery of the Colleges to the extent of bringing them below the purposes for which they were instituted; but it was intended that there should be established an inter-dependence between the Colleges and the University for the benefit of both. Research had been referred to by the right hon. Gentleman the Member for the City of London, but he might mention that there was no reference in the Bill to its endowment.

MR. GOSCHEN, interposing, drew the right hon. Gentleman's attention to the 18th clause.

MR. GATHORNE HARDY admitted that that clause had reference to the pursuit of Research, although it did not in terms give funds for the purpose. The mode in which the object was to be attained was to be left to the Commissioners. He readily admitted that some of the proposals which had been made respecting the endowment of Research were most extravagant. For example, the writer of an article in *Nature* said that if £200,000 a-year were granted for scientific research, it would be only the beginning of what was required. He seemed desirous to absorb the whole of the revenues of the Universities, for he said that 100 posts should be created at an annual expense of £800,000, which happened to be the exact amount of the revenues of the Universities. Exception had been taken to the phrase "idle Fellowships" which was used in the House of Lords, and he admitted that "non-resident Fellowships" was a better term, because many of the persons who held them did good work in the country and well deserved the positions they occupied. At the same time, an almost universal opinion prevailed that a limitation ought to be put on the tenure of Fellowships, and this was one of the objects contemplated by the present Bill. In conclusion, he thanked

the House for the discussion that had taken place, because it had convinced him that these Bills had been met in a manner quite free from Party spirit or a desire to embarrass or defeat the Government. If the House continued to meet the Government in that spirit, he was sure the Bills might be carried during the present Session, and this was essential to the peace and prosperity of the Universities, which ought not to be kept any longer in suspense.

SIR CHARLES W. DILKE remarked that the discussion had been so entirely in favour of further limitation of the powers of the Commissioners that he would consent to withdraw his Amendment, and leave the object he had in view to be effected in Committee.

LORD FRANCIS HERVEY commented on the non-production of the Returns asked for by the House relative to the management of the Press and the emoluments of the Professors in each University.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Monday* next.

#### AGRICULTURAL HOLDINGS (SCOTLAND) BILL.—[*Lords*.]—[BILL 159.]

(*The Lord Advocate*.)

#### SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [8th June], "That the Bill be now read a second time."—(*The Lord Advocate*.)

Question again proposed.

Debate *resumed*.

MR. RAMSAY remarked that nearly all the tenants in Scotland held their farms under leases, and the Bill had no reference to leaseholds. The measure contained some good things, but they were very infinitesimal. There was no great call for legislation on this subject at all, and in any case he protested against such a Bill being taken up at 1 o'clock.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Ramsay*.)

THE LORD ADVOCATE said, he had not thought it necessary to make any statement in regard to this Bill, because it exactly followed the precedent of the English Bill of last Session, which was now the law of the land. Besides, the Bill had received the assent of the House of Lords. He quite admitted that there were some questions of difficulty connected with the details, arising from the limited extent of holdings in Scotland, but these could only be dealt with in Committee, and as the Bill admittedly contained some good things, and was an unopposed measure, he hoped the second reading would now be agreed to. He could assure the hon. Member that if he had any Amendments in Committee they would receive the attention of the Government.

MR. BIGGAR supported the Adjournment of the Debate, as there were few Scotch Members present, and it was 1 o'clock in the morning.

THE CHANCELLOR OF THE EXCHEQUER thought it rather hard, considering the period of the Session and the appeals which had been made to the Government to make progress with Scotch Business, that they should not be allowed to proceed with this measure.

MR. ANDERSON said, Scotland was happy to have the advocacy of the hon. Member (Mr. Biggar) in the absence of Scotch Members, but he had no doubt the Scotch Members would have been in their places had they entertained any very strong objection to the Bill.

Question put, and *negatived*.

Original Question put, and *agreed to*.

Bill read a second time, and *committed for Monday next*.

#### REGISTRY OF DEEDS (IRELAND) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Law relating to the Registry of Deeds in Ireland, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 233.]

House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Friday, 7th July, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—County of Peebles Justiciary District (Scotland)\* (158); Bankers' Books Evidence\* (159).

*Second Reading*—Waterford, New Ross, and Wexford Junction Railway (Sale)\* (123); Crab and Lobster Fisheries (Norfolk)\* (154). Committee—Merchant Shipping (99-160); Friendly Societies Act (1875) Amendment\* (149).

Committee—Report—Saint Vincent, Tobago, and Grenada Constitution\* (156).

*Third Reading*—Industrial and Provident Societies\* (148); Elementary Education Provisional Order Confirmation (Cardiff)\* (142), and *passed*.

#### METROPOLITAN GAS BILLS.

*South Metropolitan Gas Light and Coke Company Bill reported with Amendments; Gaslight and Coke Company Bill reported from the Select Committee, with Amendments.*

LORD REDESDALE intimated that as there appeared, from the discussion that had recently taken place, to be considerable differences as to the merits of the Bills before the House promoted by the Gas Light and Coke Company and the South Metropolitan Gas Company, he thought it would be advisable that they should be referred to a Committee of the Whole House, instead of to a Select Committee in the usual course. At the proper time he would move a Resolution to that effect.

THE EARL OF CAMPERDOWN approved of the course suggested. He would in Committee move Amendments to the Bills, Notice of which he would give as soon as possible. It would probably be convenient that he should now state the general objections he had to the Bills. With regard to the Bill of the Gas Light and Coke Company, his chief objection to it was that the Company sought nominally to raise an additional capital of £2,000,000, but in reality that increased capital would amount to £3,000,000, because there was already power to raise £1,000,000 by loan, and this additional £2,000,000 was to be raised by a sale of the shares by public auction. The Bill also proposed to fix the initial price of their gas at

3s. 9d. per 1,000 feet, which would enable the Company to pay a dividend of 10 per cent. This being so, the price of the £100 shares in the open market would be about £200; so that when Parliament was asked to sanction the issue of an additional £1,000,000 worth of shares, they were really adding £2,000,000 to the capital of the Company. According to the last accounts he had of those Companies, he found that in the Spring of last year there was an amalgamation between the Gas Light and the Independent and the Imperial Companies. Before their amalgamation took place the Imperial Company promoted a Bill which asked for a large increase of capital. That Bill, however, was opposed and withdrawn. Those who opposed it now complained that the Gas Light and Coke Company having taken over the Imperial were seeking by means of this Bill to obtain the same powers they previously resisted. This, he considered, was a great hardship upon those who had previously contested the matter. He understood that the Imperial and Independent Companies had power as yet unexercised of raising by shares and loans £1,200,000. If they were to have a Committee, the first question he should ask was why this enormous additional capital was required? As he was advised, it was required for renewing many of the works of the Companies; but if it was intended to expend it on a scheme of total renovation he was by no means sure that the Gas Companies were the best bodies to carry this work out. If the House considered the increase to be necessary, he urged that it should be raised by loan, and not by the sale of shares as proposed. The noble Duke (the Duke of Richmond) the other night said it might depreciate the credit of a Company if they were obliged to raise very large sums by loan only; but in the case of those now under review, they were Companies with almost unlimited powers, whose shares were quoted upon the Stock Exchange, and he therefore could not conceive that they would suffer any injury.

THE LORD CHANCELLOR said, he was sorry to interrupt the noble Earl, but it was a serious violation of Order to discuss the merits of a Bill which was not before the House, or to raise questions of which no Notice had been given.

THE EARL OF CAMPERDOWN was in the hands of the House, but he had thought it might be convenient to indicate the points he desired to raise.

THE DUKE OF RICHMOND AND GORDON said, he had not himself liked to interfere in a way which might appear discourteous towards the noble Earl, as they had had one or two previous discussions on that matter; but he concurred with the noble and learned Lord on the Woolsack, that there could scarcely be any course more inconvenient or irregular than that of entering into the merits of a Bill not before their Lordships, merely upon a Notice of Motion being given by his noble Friend at the Table (Lord Redesdale) that on a future day, not yet even fixed, he would ask them to refer those Bills to a Committee of the Whole House. He wished to suggest, before his noble Friend at the Table made his Motion, whether it would not be more convenient that those Bills should be referred to a Select Committee, because there were points in them which could not be discussed in Committee of the Whole House. It might be necessary to call the parties and to hear evidence, and that could only be done by referring the Bills to a Select Committee. As to the initial price of 3s. 6d. per 6,000 feet, that was the price settled by the Committee presided over by Lord Cardwell.

EARL FORTESCUE was proceeding to offer some observations to the House, when—

THE MARQUESS OF SALISBURY objected to the continuance of an irregular discussion.

#### MERCHANT SHIPPING BILL.

(The Lord President.)

#### COMMITTEE.

[BILL 99. Bill showing the Amendments proposed by Government, 99\*.]

House in Committee (according to Order.)

Clauses 1 to 3, inclusive, *agreed to.*

Clause 4, (Sending unseaworthy ships to sea a misdemeanour).

LORD CARLINGFORD said, that this clause for the first time created a criminal offence in our colonies to be tried and punished here—namely, that of sending a ship to sea in an unseaworthy state. He would not discuss whether it was or was not politic to make that attempt without the consent of the colonies,



particularly the great self-governing colonies of Canada and Australia. He himself, as it happened, was responsible for the Act of 1871, which made sending an unseaworthy ship to sea to the danger of life a criminal offence, but he never contemplated creating an offence beyond the boundaries of the United Kingdom. The Government had evidently found it a difficult matter to legislate upon, because they had added to the Bill, during its passage through the other House, the Proviso—

“A prosecution under this section shall not be instituted except by or with the consent of the Board of Trade,”

and it was now proposed to add, “or of the Governor of the British Possession in which such prosecution takes place.” He should be glad to know whether the Government had fully considered this point.

THE LORD CHANCELLOR replied that the Government had given the question careful consideration.

Clause agreed to.

Clauses 5 to 12, inclusive, agreed to, with Amendments.

New Clause inserted after Clause 12 (Application to foreign ships of provisions as to detention).

Clauses 13 to 18, inclusive, agreed to.

New Clause inserted after Clause 18 (Provision as to survey of foreign passenger steamer or emigrant ship).

Clause 19 agreed to.

Clause 20 (Space occupied by certain deck cargo to be liable to dues).

THE DUKE OF SOMERSET drew the attention of the Committee to the total absence from the Bill of any provision for limiting the quantity of gunpowder, glycerine, and other explosive substances, or for regulating the storage of such articles. In many cases these explosives were shipped on board as ordinary merchandize, without any notice to the owners or commanders; and beyond question many disasters had originated from this cause. He trusted the Government would bring up a clause to regulate the shipment of explosive materials.

THE EARL OF SHAFTESBURY warmly supported the proposal of the noble Duke, and hoped that it would be acted upon by the Government.

*Lord Carlingford*

THE DUKE OF RICHMOND AND GORDON said, he was under the impression that some rule regulating the shipment of such goods was in force, but he would look into the subject, and would be prepared, in the event of its being necessary to take action in the matter, to bring up a clause relating to it on the Report.

Clause agreed to.

Clause 21 (Penalty for carrying deck loads of timber in winter) *struck out*, and the following new clause inserted in lieu thereof:—

“After the 1st day of January, 1877, if a ship, British or foreign, arrives between the last day of October and the 16th day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage, any wood goods coming within the following description; that is to say—

“(a) Any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

“(b) Any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or

“(c) Any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck.

“The master of the ship, and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section, and such penalty may be recovered by action or on indictment or to an amount not exceeding one hundred pounds) (whatever may be the maximum penalty recoverable) on summary conviction.

“Provided that a master or owner shall not be liable to any penalty under this section—

“(1) In respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or

“(2) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather, or circumstances beyond his control. Provided further, that nothing in this section shall affect any foreign ship coming into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.”

LORD CARLINGFORD expressed his approval of the new clause, as under it Norway and Sweden would not be placed

at a disadvantage when compared with other countries.

THE DUKE OF RICHMOND AND GORDON said, that the Government had felt the force of the observations made by the noble Lord on the second reading on this subject, and in consequence of what was then suggested they had re-considered the whole matter and had brought up the clause which was now proposed to be inserted in the Bill. Should anything more be thought necessary it could be considered on the Report. He would take that opportunity of pointing out to the noble Duke opposite (the Duke of Somerset) that by the 23rd section of the 36 & 37 *Vict.* c. 85 the carrying on board any ship of any of the dangerous goods—gunpowder and other things—specified, would make the parties liable to a fine of £100 for each offence.

Clause *agreed to*.

Clauses 22 to 24, inclusive, *agreed to*.

Clause 25 (Application to foreign ships of provisions as to detention).

THE DUKE OF RICHMOND AND GORDON said, this clause had become unnecessary, its enactments having been embodied in Clause 13.

Clause *struck out*.

Remaining clauses *agreed to*, with Amendments.

The Report of the Amendments to be received on *Friday* next; and Bill to be *printed*, as amended. (No. 160.)

House adjourned at half past Six  
o'clock, to Monday next,  
Eleven o'clock.

## HOUSE OF COMMONS,

*Friday, 7th July, 1876.*

MINUTES.]—NEW WRIT ISSUED—For Chester County (Mid Division), *v.* Egerton Leigh, esquire, deceased.

NEW MEMBER SWORN—James Bevan Bowen, esquire, for the County of Pembroke.

SELECT COMMITTEE—Report—Oyster Fisheries \* [No. 245].

PUBLIC BILLS — *First Reading* — Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation \* [241]; General Police and Improvement (Scotland) Provisional Order (Lerwick) \* [242].

*Second Reading*—Elementary Education Provisional Order Confirmation (London) \* [221].

Committee—Appellate Jurisdiction [111]—R.F.; Isle of Man (Officers) [216]—R.F.

Considered as amended—Public Works Loans \* [228]; Tramways Orders Confirmation (Bristol, &c.) \* [203].

*Third Reading*—Customs Duties Consolidation \* [188]; Customs Laws Consolidation \* [164]; Elver Fishing \* [226]; Notices to Quit (Ireland) \* [226], and *passed*.

The House met at Two of the clock.

### PRIVATE LUNATIC ASYLUMS (SCOTLAND).—QUESTION.

MR. RAMSAY asked the Secretary of State for the Home Department, Whether his attention has been called to the evidence (as reported in the "Scotsman" newspaper of 9th June) given by the proprietor of a private lunatic asylum in Musselburgh, when he was examined as a witness in an action in the Court of Session, and stated that business men had been put into his asylum to avoid the Bankruptcy Court, and ministers to avoid trial by their Presbyteries; and, if so, whether he can give any information regarding such statement, or the grounds on which it was made?

THE LORD ADVOCATE: Sir, my right hon. Friend the Home Secretary has requested me to answer this Question, because the inquiries were made under my direction. The statements made by the witness referred to in the Question have been the subject of a very thorough investigation by the Commissioners of Lunacy in Scotland. On being referred to for the cases to which he had alluded, Chalmers, the proprietor of the private lunatic asylum, gave to the Commissioners two cases, one that of a tailor in Edinburgh, and the other that of a former minister of the Established Church of Scotland. The names are at the service of my hon. Friend the Member for Falkirk if he wishes for them. The first case occurred in December 1863, and the person concerned was admitted to the asylum on certificates of insanity granted by Dr. John Smith and the late Mr. Charles Sidey, both of Edinburgh. Dr. Smith has long enjoyed the reputation of being one of the highest authorities in matters of lunacy in Scotland. Mr. Sidey was a well-known

and never competent practitioner in Edinburgh. In consequence the medical attendance of Mr. Chalmers' private asylum is given in the Lunacy Commission, and accordingly declared that he never had the least suspicion that the person referred to was improperly admitted. It was declared all May 1864. The proceedings in the Lunacy Court have been continued, and they cannot in addition vindicate in any way the conduct of the part of the witnesses in attempting to justify the statement that he had been put into the asylum to avoid the Lunacy Court. In regard to the case of the minister, the order for his detention was made in April 1870 on certificate of insanity granted by two medical gentlemen one of whom was Dr. W. A. F. Brown, who was formerly one of the Commissioners of Lunacy in Scotland, and whose opinion on a question of insanity is entitled to the greatest respect. The minister still remains in an asylum, and the Commissioners of Lunacy, who are well acquainted with his case, have no doubt that he was properly placed under restraint. The Report of the Commissioners concluded thus—

"The Commissioners themselves have never had the smallest reason to suspect the good faith of any medical man in granting certificates of insanity, nor the evidence given by Mr. Chalmers can only be accounted for as due to the imperfect acquaintance of a man entrusted to medical men the medical reports which the society presents itself."

#### PARLIAMENT—PRIVATE BILL LEGISLATION.—QUESTION.

SIR EDWARD WATKIN said, he had a Question to ask of the right hon. Gentleman the First Lord of the Treasury, and in explaining it he should put himself in Order in the usual way.

MR. SPEAKER: The hon. Member has given Notice of a Question which he is entitled to put, but he is not entitled to debate the Question.

SIR EDWARD WATKIN bowed to the decision of the Chair. He begged to ask the First Lord of the Treasury, Whether, considering that twice in the present Session a Private Bill has been rejected on Second Reading by means of a private canvass, he will afford facilities for the discussion of and a division upon the Resolution relating to Private Business Legislation now standing on the Order Book for Monday next?

*The Lord Advocate*

MR. TUSKILL: Sir.—Private business is a very vague phrase. I think that anything like a private and obvious canvass of votes in favour of a Private Bill is a process which certainly ought to be deprecated. I thought that I observed some three months ago, when a similar question was brought under the attention of the House, that the moral sense of the House exhibited itself in no mistaken manner, and disapproved such conduct. But at the same time we must remember that the promoters of Private Bills have not the opportunity of discussion which the promoters of Public Bills have, and that some means of previous explanation, either printed or otherwise, is absolutely necessary sometimes, in order that the merits and nature of Private Bills may be known. It requires caution and delicacy in interfering with these matters. Now in regard to the particular question of the hon. Gentleman—whether we will give him facilities on Monday to discuss this question—without at all denying its importance, I would remind him that the public time which I have to dispose of is now required for many measures of public importance and of more urgent character than the subject referred to by the hon. Gentleman. I should say myself that the matter might rest at present. It is a question which should rather be brought before our notice at the beginning of the Session, and if the hon. Gentleman takes that course, I have no doubt the House will give the subject due consideration, and he will have the advantage in the interval of six months of being able to consider the question himself.

#### THE SLAVE TRADE IN THE RED SEA. QUESTION.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether the attention of Her Majesty's Government has been called to statements made in the "Anti-Slavery Reporter" of July 1st, on the subject of the Slave Trade in the Red Sea, and especially in regard to the Slave Market of Jeddah; whether there is reason to believe that such statements are well founded; whether steps will be taken to bring before the Egyptian Government the alleged connivance in the traffic of Egyptian officials; and, whether Her

Majesty's Government will in a friendly manner call the attention of the Austrian Government to the allegation that slaves are conveyed from Hodeidah to Jeddah in steamers belonging to the Austrian Lloyd's, a company receiving subsidies and other special privileges from that Government?

MR. BOURKE, in reply, said, that as to the first part of the Question of his hon. Friend, he had seen the statements in *The Anti-Slavery Reporter*, which some one had been good enough to send him, and he observed in that publication a long statement with reference to the Slave Trade in the Red Sea, respecting which what was termed "a thrilling narrative" was given, some of the statements being well-founded, while others were perfectly untrue. With reference to the charges made against the British Consul at Jeddah, Her Majesty's Government had no reason to believe that there was any slackness of duty on the part of the British Consul or vice Consul at that place. On the contrary, the Government were of opinion that it was owing to the representations that had been made by the Consul at Jeddah that the slave mart there had been entirely shut up. There was no doubt that a considerable amount of slave trade was being still carried on in private establishments at Jeddah, and their Consul, in concert with the Governor, was doing his best to provide means for putting it down. There was also no doubt that a considerable deal of slave traffic was carried on in other parts of the Red Sea. Steps had been taken by Her Majesty's Government upon many occasions during the last year and a-half to bring before the Egyptian Government the alleged connivance in the traffic of Egyptian officials, and our Government would continue to pursue the same course. Communications had also been made to the Austrian Government on the subject, and if Her Majesty's Government thought that they could do good by making further representations, they would certainly be willing to do so.

#### CRIMINAL LAW — CASE OF THOMAS HARE—CUMULATIVE PENALTIES.

##### QUESTION.

MR. RODWELL said, that had he known all the facts of the case when he

was asked to put on the Paper the Question which stood in his name, he should have hesitated to do so; but, as the Notice had been given, he thought it due to the justices who passed this startling sentence to ask the Question of the right hon. Gentleman the Secretary of State for the Home Department—namely, Whether his attention has been drawn to the case of Thomas Hare, who was fined £2 for furious driving; £2 for being drunk and disorderly; £2 for using abusive language; £5 for assaulting Inspector Ward; £5 for assaulting Police-constable Clerk; making a total sum of £16 and costs; by the justices at Spalding on the 20th of June last, for the above offences committed on the 7th of June; and, whether, in the absence of any special facts to justify such an accumulation of penalties for one transaction, he will order a remission of the fines, or some portion of them?

MR. ASSHETON CROSS, in reply, said, he did not in the least wonder at his hon. and learned Friend being rather startled by the sentence *primâ facie*. It was a singular instance of what was called cumulative penalties. At the same time, as the Question had been asked, the facts ought to be known. It appeared that about 8 o'clock on the evening of the 7th of June the inspector of police at Spalding, being in one of the principal streets, observed a man riding very furiously and seriously endangering the safety of the bystanders. The inspector followed him to an inn, and found him there extremely drunk. He told him that he should summon him for furious driving, whereupon he became very insulting, and used most disgusting language. Then he went into the market-place, where he used the same sort of language. A second policeman came up and tried to pacify him. He continued to be abusive, and eventually two policemen, after giving him repeated opportunities to go away, took him into custody for being disorderly. His conduct then became so violent that it required the aid of two other men to get him to the police station. Hare, who had been twice before convicted of a similar offence, paid the fines imposed by the magistrates and was released. He was sorry to say, however, that a very short time afterwards the man committed the same offence again. Probably, the magistrates considered whe-

ther they ought not to send him to gaol, but they adopted a more lenient course, and imposed the cumulative fines, which, he believed, Hare was perfectly able to pay.

#### VACCINATION ACTS—THE KEIGHLEY BOARD OF GUARDIANS.—QUESTION.

MR. SERJEANT SIMON asked the President of the Local Government Board, Whether the proceedings for attachment against the Keighley Board of Guardians, in consequence of a resolution passed by them that, in applying the compulsory powers under the Vaccination Acts, they would take into consideration the circumstances of each particular case, were taken by his authority or sanction; whether such proceedings are in accordance with the spirit and intention of his circular letter of instructions in March last to the Evesham Board of Guardians, in which he left large discretionary powers to them as to the manner and circumstances of applying the Act, on the ground that repeated prosecutions would produce mischievous results and excite sympathy with the prosecuted and a more extended opposition to the Law; and, whether six or seven of the Keighley Board of Guardians have been sent to gaol under the attachment?

MR. SCLATER-BOOTH: The proceedings, Sir, for the attachment were taken by my authority and sanction; but it is not accurate to say that they were taken in consequence of the resolution as quoted in the Question of the hon. and learned Gentleman. The Guardians had refused to enforce the provisions of the Vaccination Acts in their Union, and there were great numbers of children who had not been vaccinated. The Local Government Board applied to the Court for a *mandamus* against the Guardians to compel obedience to the law, and, after a full argument, a *mandamus* was granted, requiring the Guardians to give directions to the vaccination officer to proceed against persons in default. The Guardians thereupon passed a resolution in obedience to the writ, instructing the vaccination officer accordingly, and this resolution was embodied in their return to the writ. The Guardians, however, have recently passed another resolution, rescinding all portions of resolutions which could be construed into general orders to prosecute, which is what they

are required in the first instance to do, and instructing the vaccination officer that the Guardians reserve to themselves the dispensation of the Vaccination Acts. It was impossible to regard this resolution otherwise than as an act of disobedience to the *mandamus*, with which the Guardians had previously undertaken to comply. In consequence of this the Guardians were called upon to answer for the contempt of Court involved in their proceedings, and, after hearing all the parties, the Court, without hesitation, made the rule absolute for the attachment, the Chief Justice observing that it was about as gross a case of contempt as he had known for a long time. These proceedings are in no sense at variance with the spirit and intention of the letter to the Evesham Guardians, which does not apply to original prosecutions, but to cases where persons have been already fined for not complying with the law. The Guardians who were in contempt have not, so far as I am aware, been sent to gaol; and, in point of fact, the writs, though authorized, have not yet been executed, and it is to be hoped that, having been fully reminded of their duties by the High Court of Justice, they will yet see the propriety of giving the necessary directions for the enforcement of the law.

#### LAW AND JUSTICE—MR. SERJEANT ARMSTRONG.—QUESTION.

MR. CALLAN asked the Chief Secretary for Ireland, Whether the statement is correct which has appeared in the Dublin newspapers to the effect that Serjeant Armstrong has been appointed to go as Judge of Assize?

SIR MICHAEL HICKS - BEACH: Sir, I am informed that it is the invariable practice in Ireland for the three Queen's Serjeants to be named in the Commission of Assize together with the Common Law Judges. Two of the three Serjeants are the right hon. and learned Gentleman the Member for Clare County (Sir Colman O'Loughlen), and my hon. and learned Friend the Member for King's County (Serjeant Sherlock). The Serjeants would, I imagine, in case of necessity, go the circuit in place of the Judges if their other engagements permitted. It is obvious, however, that the two hon. and learned Gentlemen I have named have other engagements. Serjeant Arm-

strong has been, and still is, engaged in the ordinary business of a barrister on one of the circuits during the present Assizes. Therefore I cannot say whether he will act as a Judge or not. I am at present in communication with the Lord Chancellor of Ireland on the subject.

MR. CALLAN: I beg to give Notice that on Monday I will ask the Chief Secretary for Ireland, Whether the insertion of the names of the Serjeants-at-law in the Commission of Assize is not such a matter of ordinary routine as not to confer any right, in case of the existence of a vacancy amongst the Judges, to be selected to go as Judge of Assize; whether the statement which has appeared in the Dublin newspapers, to the effect that Serjeant Armstrong has been appointed to go as Judge of Assize, is correct; if so, whether at the time of the appointment of Serjeant Armstrong to go as Judge of Assize the Irish Executive were aware that the Serjeant Armstrong referred to is the same individual as the "Richard Armstrong" whose name was returned by the Commissioners appointed to inquire into the existence of corrupt practices at elections for the borough of Sligo, under Schedule D, as "Guilty of bribery;" whether the said Commissioners further reported that Serjeant Armstrong had expended £1,480 in bribery; that the number of voters so bribed amounted to 97, and of these the names of 65 have been ascertained, among whom the sum of £1,200 was distributed; whether, in consequence of the said Report, the borough of Sligo was disfranchised; and whether, in view of the foregoing circumstances and the precedent in the Stonor case, Her Majesty's Government are still prepared to appoint, or, if appointed, to cancel the appointment of an individual reported and scheduled as guilty of bribery to the important judicial office of going as Judge of Assize?

#### ELEMENTARY EDUCATION BILL—THE AMENDMENTS.—QUESTION.

MR. W. E. FORSTER asked the noble Lord the Vice President of the Committee of Council on Education, Whether he can lay on the Table, before the House goes into Committee on the Elementary Education Bill, the Amendments which it is understood he himself intends to move?

VISCOUNT SANDON: Sir, I had intended to lay upon the Table of the House some proposed Amendments on the part of the Government to the main part of the Bill—that is to say, to the leading part of it, which is concerned with the employment and education of children. As the Amendments do not affect the principles of the measure in any way, and are mostly the carrying out of possible alterations which I sketched in my speech on the Second Reading, and are very much in accordance with Amendments which have now been for some days on the Paper, placed there by hon. Members on both sides of the House of great experience in these matters, I should not have thought it necessary to make any statement on the part of the Government with regard to those Amendments. But as my right hon. Friend expressed a wish to know what points they bear upon, I shall be happy to give a rapid sketch of the changes which the Government propose to make in this leading part of the Bill. The House will remember—and I must apologize for occupying its attention for a few minutes, so as to make clear the gist of the Amendments—that though in a most decided manner the opinion of hon. Members was shown on the Second Reading to be against the universal enforcement of bye-laws for direct compulsion all over the country, still a very general feeling appeared to prevail that it was desirable to have some statement in the Bill of the parent's duty to provide instruction for his children, and various Amendments have been placed upon the Paper bearing upon this point. The Government see no objection to meet that general wish, and therefore propose to place, as the opening clause to the Bill, a new clause declaratory of the parent's duty in the following words:—

"It shall be the duty of the parent of every child above the age of five years to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act."

The next alteration we propose is in the commencement of Clause 7, which will read as follows:—

"If the parent of any child above the age of five years, who is under this Act prohibited from being taken into employment, habitually and without reasonable excuse, neglects to pro-

vide efficient elementary instruction for his child"—

The rest of the clause to remain as it is. Further, with regard to the certificate of attendance which enables the child to get out to work, we find that, unintentionally, by only allowing attendance to count at a public elementary school, we were inflicting a great hardship upon the children who attend other public schools—that is to say, schools not kept for private profit, which are efficient, but which are not public elementary. We, therefore, propose to take power to the Education Department to inspect, as often as they think fit, any such schools; to insist, if the schools wish to count as efficient, upon proper registers of regular attendance being kept, and upon other matters; and that if these schools are certified by the Department to be efficient, attendance at these schools shall be allowed to count for the certificate. It is needless to observe that we cannot allow attendance to count at any school which we do not certify ourselves to be efficient. The next change proposed is one to which we have been very much led by observing the important Amendments placed upon the Paper by my hon. and gallant Friend the Member for West Sussex and by my hon. Friends and Colleagues the two Members for Liverpool, as well as by other hon. Members. They propose that Town Councils and Boards of Guardians should be obliged to appoint a committee to administer this Act. The Government consider the suggestion a very good one, although they could not accept exactly the Amendments proposed. But I shall lay on the Table a clause which will oblige Town Councils and Boards of Guardians to appoint a committee, to be called the "School Attendance Committee," to be composed only of members of their own bodies, and in the case of Boards of Guardians to follow exactly the analogy of the Union Assessment Committees, which have been found to work very well. Then, with regard to the local committees which these bodies have the power of appointing if they think fit, we propose to confine their duties to giving such information and aid to the School Attendance Committees of the Boards of Guardians as they may require, and to forbid them to prosecute, to pass bye-laws, or to spend money on their own account. There is one other

Amendment of some importance, which I sketched in my speech on the Second Reading, to which I must now allude; but as the subject is somewhat a complicated one, I fear the Amendment itself cannot be in the hands of hon. Members before Monday at the earliest. I allude to the subject of industrial schools. The Government will make a proposal to enable the erection of day industrial schools under strict provisions which shall prevent their being used for any except the class for whom they are absolutely necessary. I would wish to be clearly understood, of course, not to tie my hands, on the part of the Government, in any way as to not bringing in any further Amendments that we may think fit, or as to accepting the Amendments which are brought before the House by hon. Members on either side. But I felt, as my right hon. Friend opposite desired it, that it would be for his convenience and that of the House that I should give this short explanation of the Amendments to the main part of the Bill which the Government will propose.

#### APPELLATE JURISDICTION BILL.

(*Lords.*) [BILL 111.]

(*Mr. Disraeli.*)

#### COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [4th July], "That Mr. Speaker do now leave the Chair."

Question again proposed.

Debate resumed.

MR. FORSYTH said, that he wished to address himself especially to the question of the Intermediate Court of Appeal. It was condemned alike by the Profession and by the public. All admitted that the Court of Appeal ought to be of superior authority as compared with the body from whose decision the appeal was made; and though it might not be composed of better or stronger lawyers, the public ought to think so. For this reason, the Members of the tribunal ought to be permanent, and they ought to have higher salaries. There were now three Lords Justices of Appeal, not one of whom had sat on the Common Law Bench, though Lord Justice Mellish was

a distinguished member of the Common Law Bar. *The Times* in a leading article had spoken strongly upon this point, and the only statement as to which he differed from that article was that "the evil is not as yet pressing." In his opinion it was most pressing, and the greatest possible inconvenience was felt both by the suitors, who had no confidence in the constitution of the Court, and by the Judges themselves. The present mode of proceeding was haphazard and undignified. They had before them the plans of the hon. and learned Member for Taunton (Sir Henry James) and of the hon. and learned Attorney General; but he thought the best and most proper course would be to appoint two new Judges who should sit in the Court of Appeal, instead of borrowing Judges, it might be for a few hours, from a Court of First Instance, where the number at present was almost too small, so much so that, owing to the press of work, one of the Judges had to apologize for giving an oral instead of a written judgment. Further, he did not think that 20 Judges in the Common Law Division would be too many. The objection to this plan was the money objection, and he feared, if it were proposed, the Government would resist it. Next to the appointment of more Judges, he approved of the suggestion of his hon. and learned Friend (Sir Henry James). This suggestion was that two Judges should be taken from the Common Law Division for the purposes of the Court of Appeal; and he was glad to see, from an Amendment placed upon the Notice Paper by the hon. and learned Attorney General, that the Government practically adopted the plan, proposing to place three Common Law Judges in the Court of Appeal, and enable a single Judge to deal with matters now decided by three sitting *in Banco*. It might seem inexpedient to trust so much to a single Judge, but in the Court of Chancery questions of equal importance were dealt with by the Vice Chancellors and Master of the Rolls sitting singly. He thought, therefore, that the proposal of the hon. and learned Attorney General was a judicious one, and should be prepared to support it.

Mr. MORGAN LLOYD said, he was of opinion that the Bill contained the best scheme for a Court of Appeal that could, under all the circumstances, be brought forward, and his only object in

putting an Amendment on the Paper had been, not to obstruct the progress of the Bill, but to call attention to the necessity of something being done with regard to the Intermediate Court of Appeal. He was, therefore, glad to find that the hon. and learned Attorney General had placed upon the Paper an Amendment which carried out in effect the suggestion of his hon. and learned Friend (Sir Henry James). No doubt, it was desirable that the number of the Judges should be absolutely increased; but there were difficulties in the way at present, and it might be desirable to try to get rid of the present block of business without putting the country to any additional expense. He feared, however, that another year's experience would show that, without an absolute increase in the number of Judges in the Common Law Division, we should not get rid of the present block of business. In that Division, 303 cases were entered for trial at the beginning of the Easter sittings in Middlesex. During those sittings only 97 causes were disposed of, and more causes being entered meanwhile, at the end of the sittings there were 446 causes for trial. At the present moment there were 457 causes in the Common Law Division remaining undisposed of in Middlesex alone. There would be no sittings until November, and causes would continue to be entered until suitors became disgusted. At Guildhall there were 246 causes, including remanets, entered for trial. Two Judges were sitting there now, and probably there would be three sittings there for the next 10 days or a fortnight; but he should be surprised if, at the end of the sitting, still more causes did not remain to go over until Michaelmas term. Such a state of things had never existed before, and was absolutely intolerable. To remedy it, there must either be a considerable increase in the number of Judges, or else some provision must be made as regarded the place of trial. The provision for one Judge sitting alone would give some increase of judicial strength, but would not suffice to remove the block. Another remedy might, perhaps, be supplied by preventing so many local causes from being brought to London. Local *venues*, instead of being abolished, should be extended, and he suggested a rule that causes of action arising in a particular district should be



tried at the Assizes in that district, subject to the Judges' power to change the *venue*, not as of course, but upon good cause shown. Such a provision would relieve the London Courts to some extent; but even then a block of business would remain, which nothing but the addition to the number of Judges he had referred to or a better arrangement of the cause list could obviate. From inquiries he had made he was inclined to believe that the state of things was worse in the Chancery than in the Common Law Division. The change made by the Judicature Act, which did away with evidence by affidavit and required it to be given orally, was a change for the better; but it had had the effect of lengthening the trial of causes. He had been informed of one case in which witnesses had been kept in town for a month, and the fund in Court having been exhausted by these expenses, the solicitors met and put an end to the cause altogether. In the Chancery Division a radical change was absolutely necessary. Either the number of Courts must be increased, or many cases which now came into them must be tried at the Assizes. The present state of business in the Chancery Courts was a crying evil, and he feared nothing could be done to remedy that growing evil during the present Session, but he hoped some legislation in regard to it would be proposed by the Government next Session.

MR. LOPES said, he entirely approved of the Bill so far as it went, but he disapproved entirely of the Amendments of the hon. and learned Attorney General for giving effect to the proposition of the hon. and learned Member for Taunton. It must be admitted that there was at present a great block of business, and in order to lessen it the proposal was that three Judges were to be withdrawn from the Courts of primary jurisdiction, and transferred to the Court of Appeal, and questions of law were to be decided by a Judge at *Nisi Prius*, and were not to come to the Court in *Banco*. But the dead-lock was in the Courts of primary jurisdiction; it was in the Courts of *Nisi Prius* that the stoppage existed. There were 18 Common Law Judges; it was proposed to withdraw three and leave 15; and the hon. and learned Member for Taunton assumed that questions now heard in *Banco* would be tried

at *Nisi Prius*, and that in this way additional strength would be gained for the Court of Appeal. But how could it be expected that 15 Judges would be able to deal with business which 18 Judges were now unable to dispose of? What would happen would be that questions of fact would be decided by juries, and questions of law would be reserved for the Judge sitting in London, who would be obliged to have a kind of Court of his own to hear questions of law arising out of the facts of the cases he had already tried on circuit. Now, when questions of law arose at *Nisi Prius* it often happened that litigants had the advantage of hearing the solemn opinion of the Judge pronounced at the time, and the matter did not go any further; but under the proposed arrangement the Judges would pretty well have their time taken up in hearing points which now never came into *Banco*. Hence, instead of there being a limited number of appeals involving important points, the number of appeals would be quadrupled. Therefore, no advantage would be gained by the transference of these three Judges. But another consideration showed how absurd this proposition was. These three Judges were to go circuit, and when they returned, instead of being at the Court of Appeal, they would have to hear the questions of law which had arisen on circuit. The Court of Appeal was not so strong as it ought to be, and he thought the best remedy would be to appoint two permanent Judges, leaving the constitution of the Courts of primary jurisdiction alone. The time was not far distant when the Government would be obliged to increase the judicial strength of the country. But apart from considerations as to whether the scheme was good or bad—and bad it was beyond all question—was it not a mistake to introduce it at the fag-end of a Session, as a mere supplement to a Bill intended for an entirely different purpose? It created such an important change as ought to form the subject-matter of an independent Bill. The Profession, the Judges, and the public ought to have a full opportunity of forming an opinion upon it. He ventured to say that not half the Judges at present knew what changes would be effected by the proposals of the hon. and learned Attorney General. He had consulted some of the Judges and could say

Mr. Morgan Lloyd

that they did not approve of the scheme. He did not blame the hon. and learned Gentleman, who had inherited the scheme from the hon. and learned Member for Taunton, but he must say that these changes, if made, would have a most disastrous effect.

MR. OSBORNE MORGAN said, that in the Chancery Division, unless some remedy was speedily applied to this boasted Judicature Act, from which such wonders were to be expected, it would end in a complete breakdown of the judicial system. It was strange that in the Common Law Division three Judges were required to decide the question of rating a beer-house, while a single Judge sitting at Lincoln's Inn could satisfactorily determine questions involving hundreds of thousands of pounds, arising under wills or in connection with public companies, besides disentangling the facts out of which the legal questions arose, and at the same time performing the double functions of both Judge and jury. And yet Judges on circuit were giving a week to places where four or five cases were entered for trial. As a temporary expedient there was a good deal to be said for the plan proposed by the hon. and learned Member for Taunton; it was better than that of enabling a Lord Chancellor to take any Judge out of his Court and put him in the Appellate Court, with the result of closing the Rolls' Court for 20 days out of 23. The Judges in the Chancery Division were very hardly worked, the intervals between the sittings barely allowing them time to prepare the judgments they reserved. They were worked as hard as it was possible to work men, and if they had not iron constitutions they could not get through the work they did. Our judicial strength was fixed 35 years ago; there had been an enormous increase of wealth and population since; and the change made by the Judicature Act enormously increased the business in the Chancery Division, to which the taking of *viva voce* evidence had transferred many causes which used formerly to be heard in the Common Law Courts. The other day a witness, who had described the condition of a water-course a month ago, was asked what its present condition was, and he replied that he could not say, because he had been attending the Court for a month, waiting for the case to come on. It would be infinitely

cheaper for litigants to obtain a Judge by subscription than to waste such a length of time for their cases to be heard. The four Chancery Courts began the sittings with 504 cases, and had disposed of less than 100, but meanwhile 237 new causes had been entered on the Paper, and, of course, such a rate of increase could end only in complete dead-lock. The only remedy for this state of things was an increase of the judicial Staff, which it was not popular to advocate. The public were apathetic upon the subject, and when the lawyers proposed an addition to the judicial Staff, they were supposed to have some sinister object in view. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone), 12 months ago, with tears in his eyes, implored the Government not to appoint any more Judges. When the hon. and learned Member for Oxford (Sir William Harcourt) had experienced the inconveniences of the present condition of things, his opposition to the increase in the number of Judges would have more weight. It was said that there were not men at the Bar of sufficient standing to supply a larger judicial Staff; but he believed there were as good fish in the sea as had come out of it; and the experiment of appointing Official Referees had not been so satisfactory as to tempt the House to resort to expedients of that character. They had to strengthen the Intermediate Court of Appeal at the expense of the Courts of First Instance, and they would become still weaker unless the Government were strong enough and possessed the courage to grapple with the question, and until they appointed four additional Judges there would be a dead-lock, and the disorganization of our judicial system would be as great as in the worst days and the worst times of Lord Eldon.

SIR WILLIAM HARCOURT said, they were now dealing with the Courts of Common Law, in reference to which the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) did not profess to speak with authority. It was admitted there was a waste of judicial strength which might be economized through three Judges doing work that one might do, and it was not unreasonable to try the economy which was possible before increasing the number of Judges. He hoped the hon. and learned Attorney General would adhere

to these Amendments despite what had fallen from the hon. and learned Member for Frome (Mr. Lopes), for there must be a great saving of time if three Judges heard separately cases which they formerly heard together; and, besides, sitting singly, they could not waste time by disputes among themselves. He could not understand why a Common Law Judge should be supposed to be so inferior to an Equity Judge that he could not dispose singly of cases not of a tenth of the importance of those which Equity Judges decided every day. It was certainly not very complimentary to them. What was going on on circuit at the present moment was an absolute scandal. They had sent down four Judges, two to Sussex and two to Surrey, within 50 miles of London, to perform an amount of duty which might be easily disposed of by one Judge in two days, and have prevented the breaking up of the Courts in London. Surely such a state of things called for a radical change. It was, he considered, utterly unreasonable, in the present state of things, to ask for more Judges. The great cause of the waste of judicial power lay in this, that the Judges were being constantly called off from doing one thing before they had finished it to begin doing something else. He would find ample work for the Judges, as he would have them constantly going circuit. There would be no effectual reform until the circuits had been altered by substituting the constant attendance of a Judge at such places as Leeds, Liverpool, and Manchester. The delay in the delivery of our gaols was also a grievance calling for an immediate remedy, as often those awaiting their trial had to remain five or six months in custody. The liberty of the subject was infringed by the lengthened period of incarceration before trial, and an injustice was done from Judges not going constantly into the country and doing the work which the public had a right to expect from them. There was no other part of the world in which such a thing was possible.

MR. CHARLEY said, the hon. and learned Member for Oxford (Sir William Harcourt), while ostensibly he asked the country to economize its present judicial power before creating any new Judges, actually proposed to effect that economy by a diminution of the Judges sitting in

Westminster by constantly sending them off to the country on circuit. His opinion, however, was that the work was too heavy for the number of Judges at present on the Bench. This was seen at the Assizes, when the Judges going circuit had to call in the services of one or more of the Queen's counsel mentioned in the Commission to take the criminal business off their hands. That was, he considered, a denial of justice to the prisoners, who had a right to be tried by one of the regular Judges. The present Court of Appeal in Chancery gave general satisfaction, and the only objection to it in the eyes of the Bar was that it had not a local habitation, but shifted its sittings from one building to another; at present it was obliged to take refuge in a Committee-room of the House of Lords, opposite a refreshment bar. Strengthened by such Common Law Judges as Baron Bramwell and Mr. Justice Blackburn, it would form an excellent Appellate Court in general.

MR. H. COLE said, the Intermediate Court of Appeal was a most incongruous Court. The attendance of the Master of the Rolls increased the arrears of cases in his own Court, and the same in the Common Law Courts, by taking away the Chief Justices to preside in this new Court. Thus the accumulation of business did not belong to the Court of Appeal, which was well able to get through its work, but to the Courts of First Instance. He had been informed only two or three days ago that there were in Middlesex alone as many as 1,000 remanets at *Nisi Prius*, and the state of things was, he believed, still worse in the metropolis itself. It appeared, indeed, to such a pass had things come that mercantile men, instead of entering their causes, preferred settling them at any hazard. The only remedy for this was an increase in the number of the Judges, and the more so, inasmuch as the tendency of the Judicature Act had been to bring cases from the country up to London and Middlesex for trial. They all recognized the necessity for a strong Court of Appeal, and that they ought to provide at once. He repeated the arrears of business were not *in Banco*, but in the Courts of First Instance. The great defect of the present Appeal Court was that it had no chief. There was no head to direct its movements, and no

*Sir William Harcourt*

one could tell where it was sitting, or what cases would be heard at any particular time. For his own part, he should wish to see the Intermediate Court of Appeal made as strong as possible, and he concurred in the proposal that two Judges should be placed permanently in the Court, and that it should be done at once, instead of, as now, taking them away from the *Nisi Prius* when the business was greatly in arrears. The Intermediate Court of Appeal was becoming a most important one, and it ought not to be obliged to have to borrow Judges to get on with its business, and those not always the best. As matters stood, the judicial Staff was unable to cope with the work which it had to do, although it struggled hard, and it was only in the way which he mentioned that the present dead-lock could be done away with.

THE ATTORNEY GENERAL said, the Bill had been introduced with two objects—the first to strengthen the House of Lords as a Court of Appeal, and the second to strengthen the Intermediate Court. The provisions of the Bill, so far as it dealt with the first object, had met, he was happy to say, with general approval; but the provisions for strengthening the Intermediate Court of Appeal were somewhat different from those which had been originally proposed. Now, he was not one of those who thought that Court had proved unsatisfactory. On the contrary, he thought it had shown itself to be a good and strong Court; but, still, it was defective, because part of its Members consisted of a shifting body. It would be much better that such a Court should consist of permanent Judges, and that it should sit in two Divisions, which it could not well do now without calling to its aid some of the *ex-officio* Judges, which would not be convenient. That object might be effected by an extension of the plan suggested by his hon. and learned Friend the Member for Taunton. That was to say, by taking three instead of two Judges from the Common Law Divisions of the High Court and placing them in the Intermediate Court of Appeal. And if, for instance, three of the ablest Judges were transferred from the Queen's Bench, the Common Pleas, and the Exchequer, to sit with Lords Justices James, Mellish, and Baggallay, the result would no doubt be that an ex-

tremely strong Court would be constituted. Then came the question, could that be done without creating additional Judges; and if it could not, the matter was one of such great importance, relating as it did to the proper administration of justice, that, speaking for himself, he should certainly advise that new Judges should be appointed. There were, however, some difficulties connected with such an arrangement. A serious financial difficulty had, for example, to be encountered at the outset, for however little some hon. Members might think of an outlay of £10,000 or £20,000, it might not be very agreeable to the Chancellor of the Exchequer. He did not, he might add, agree with his hon. and learned Friend the Member for Taunton in the opinion that there would be any difficulty, if additional Judges were required in procuring good men from the Bar to fill those appointments. He would undertake to provide 20 of the most able and capable men from the ranks of the Bar for the purpose without the slightest difficulty, while as to the diminution of dignity of which his hon. and learned Friend spoke, he did not attach much importance to that argument either. It was, he thought, as dignified a position to occupy to be one of three out of 20 Judges in a country where there was a great amount of business as one of three out of five in a country where there was much less. Indeed, if he could only secure the service of an able and expeditious Judge, he should forgive him if he was not quite so dignified as he might be. But the question remained, could the plan which he proposed be carried out without duly interfering with the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court? He thought it could, because since the new Court of Appeal had been constituted the Judges of those Courts had in some respects less to do, inasmuch as they had been relieved of the duty of sitting on Appeals in the Exchequer Chamber. If the present proposal were carried there would be 15 Judges left. He took it that there were 220 working days in the year, and if 100 days were occupied on circuit, there would remain 120 days in which the Judges could sit *in Banco*. Three Judges of the Intermediate Court of Appeal would go on circuit, and consequently 11 other Judges would be required for the

circuits and one for Chambers. Then we should still have three Judges who could sit during the whole of the 220 days for the purpose of disposing of jury trials or *Nisi Prius* causes. It had been stated by his hon. and learned Friend the Member for Taunton that something like 3,500 *Nisi Prius* trials had to be disposed of in the course of the year in London and Middlesex alone. If we had a judicial force of three Judges sitting all the year round during the 220 days, and if they took five cases a-day, which would be nearer the mark than three cases, as the hon. and learned Member for Taunton assumed, 3,300 cases would be disposed of. From his own experience he might say it was not an unfair or improper calculation that five causes could be disposed of in the course of a day. Therefore, with three Judges and a little assistance, all the cases in London and Middlesex might be disposed of. Then 12 Judges would be able to sit for 120 days *in Banco*. There would be three Judges for each Division and three over. In his opinion, if the Judges properly utilized their strength they could get through a vast deal more business than they did at present. For instance, they might to some extent adopt the course pursued by the Chancery Judges. Again, it was absurd for two or three Judges to sit in order to hear applications for rules *Nisi*. Such applications might, he thought, be made to a single Judge, and when the rule came to be argued, the contentious proceedings might well be disposed of by two Judges. If that were done the Judges would be quite capable of grappling with the business. It had been said that the Chancery Division of the High Court was undermanned. If that were really the case the deficiency must, of course, be supplied by the appointment of additional Judges. It ought, however, to be borne in mind that cases might be transferred from one Division to another, and that in this way the Chancery Division might be relieved of the burdens imposed on it. After all, this was a matter of experiment, and if it turned out that the Chancery Division of the High Court could not grapple with the business brought before it without additional strength, of course additional strength must be supplied. With regard to the Common Law Divisions, we were also in a transition state, and if it

turned out that the business could not be transacted by the 15 Judges who would be left in those Divisions, the Government must undoubtedly apply the only possible remedy—namely, the appointment of additional Judges. There was originally a provision in the Bill which he should propose to omit, to the effect that when two of the paid Members of the Privy Council should die or resign an additional Judge should be appointed to the Intermediate Court of Appeal. Instead of that, he should propose that when two of the paid Members of the Judicial Committee of the Privy Council resigned or died, if it appeared there was a demand for the appointment of a fresh Judge in the Divisions of the High Court, an additional Judge should be appointed. In like manner, when the two remaining paid Privy Council Judges dropped off, another additional Judge might, if necessary, be appointed to those Divisions. The hon. Gentleman the Member for Kirkcaldy (Sir George Campbell), on the debate on the second reading of the Bill, urged the desirability of having Members of the Judicial Committee who were conversant with the laws administered in India and the Colonies, with the Roman-Dutch law, and so forth. No doubt that was desirable. [Sir GEORGE BOWYER: It is necessary.] However desirable, he did not think it was absolutely necessary, as Judges of intelligence could quickly make themselves acquainted with the laws which they had to administer. But though not necessary, it was desirable, and accordingly a provision had been made in one of the Amendments for carrying out the suggestion. With regard to the Judicial Committee of the Privy Council, the Government were by the present law authorized to appoint assessors at £400 a-year. The Government thought that that was not a sufficient remuneration to induce competent men to accept the appointment. They therefore proposed to raise the salaries of the assessors from £400 to £1,000 a-year, and they believed that that would be the means of greatly strengthening the Judicial Committee, and there could be no doubt that men of the highest ability would be ready to act with that remuneration.

MR. GREGORY said, that when the Judicature Amendment Act was first before Parliament, he had proposed an addi-

tion of two Judges to the Intermediate Court of Appeal, which was carried in that House; but the right hon. Gentleman opposite (Mr. Gladstone) opposed it on the score of economy, and induced the Chancellor of the Exchequer to adopt his views. If that plan had been adopted it would have prevented much of the dead-lock and inconvenience which had since arisen. The salaries of the Judges might be provided by the gradual suppression of a number of small offices, or by the discharge of the duties of certain offices by subordinates. For example, he thought that the duties of associates and clerks of Assize, whatever those duties were, might be performed by Judges' clerks. No doubt, the proposal of the hon. and learned Attorney General would tend to strengthen the Intermediate Court of Appeal. It had always been his opinion that two Divisions of this Court would be necessary, and his prediction had been verified. But the success of the proposal of the hon. and learned Attorney General depended upon the principle that single Judges should sit *in Banco*, and the clause carrying out that proposal was so full of qualifications that it would never work in practice, and required further consideration. He approved the principle that sittings *in Banco* should be assimilated to sittings of the Court of Chancery, and that a single Judge should dispose of such cases; but an increase in the number of Judges was what we must ultimately come to. The Chancery Division required strengthening, not only because evidence was now taken *vidvoco*, and much time was thus occupied, but because the Chancery Judges should be enabled to give more time and attention to business in Chambers, which was often very important. The Chief Clerks had made no fewer than 20,000 orders in the course of last year, and the Judges should sit at least one day a-week for Chamber practice.

MR. SERJEANT SIMON said, he approved up to a certain point of the Amendments which the hon. and learned Attorney General had placed upon the Table; but he wished it to be understood that he supported them only as a temporary means of meeting the difficulty. The true remedy, and the one to which we must in the end come, was an increase in the number of the Judges, a necessity which, from mistaken notions

of economy, the Government had hitherto declined to recognize.

MR. CHARLES LEWIS also deprecated the cold-blooded political economy which measured the number of Judges by the purse of the Chancellor of the Exchequer. He could not conceive that anyone who had studied the question could think that the country could have any interest in stinting the number of Judges for the sake of saving £10,000, £15,000, or £20,000 a-year. He rose, however, specially to refer to the trial of Election Petitions. He thought it was very objectionable that the character and fate of Members of Parliament and candidates should depend upon a single Judge. The Committee which investigated the subject last year recommended that all Election Petitions should be tried by at least two Judges. The Government had promised a Bill dealing with the subject, but though they were now within a month of the close of the Session, it had not yet been introduced, and they would probably have another Continuance Bill. The proposal to take three Judges from the Common Law Divisions and add them to the Intermediate Court of Appeal he regarded as utterly inadequate to meet the circumstances of the case.

SIR GEORGE BOWYER strongly deprecated interference with the Judicial Committee of the Privy Council, which had administered peculiar laws to the satisfaction of 200,000,000 of people and of a very large population in the colonies. The Judicial Committee was now composed of men peculiarly conversant with Hindoo and Mahomedan law, and with the Dutch and French Civil Law existing in some of our colonies.

SIR ANDREW LUSK, as a mercantile man, complained of the uncertainty, delay, and expense of legal proceedings. Parties could not get a case settled without waiting till they were sick of waiting. Between delay and expense justice often went to the wall, and a man had much better put up with the first injury than go to law. He hoped this question would be fairly considered, and, if necessary, that additional Judges would be appointed.

SIR EDWARD WATKIN complained that the law was becoming more and more uncertain, more dilatory, more expensive, and more unsatisfactory. Great numbers of cases were waiting for hear-

ing on account of the insufficiency of the number of Judges, and he trusted that the Government would see their way to the increase of the number. He was strongly in favour of the present "wretched system of holidays" being done away with.

Question put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

#### *Preliminary.*

Clause 1 (Short title).

MR. LOPES expressed a hope that the hon. and learned Attorney General would not proceed with the Amendments which he had placed on the Paper that day for the first time. Without some assurance to that effect, he would move that the Chairman report Progress.

THE CHAIRMAN intimated that it would not be competent for the hon. and learned Attorney General to proceed with the Amendments referred to, because the Money Vote on which they were founded had not yet been taken.

Clause *agreed to*.

Clause 2 (Commencement of Act), *agreed to*.

#### *Appeal.*

Clause 3 (Cases in which appeal lies to the House of Lords).

MR. MARTEN moved, in page 1, line 16, after "England," to insert—

"And of Her Majesty's High Court of Justice in England, or of any Judges or Judge thereof; from which an appeal would lie to Her Majesty's Court of Appeal in England, and so that the final appeal may be made immediately, without recourse to the Court of Intermediate Appeal."

SIR EARDLEY WILMOT seconded the Amendment.

MR. OSBORNE MORGAN supported it, the system having worked well in the Courts of Chancery.

SIR COLMAN O'LOGHLEN said, he was of opinion that an Intermediate Court of Appeal should be established, but he did not see why people should be forced to go there.

THE ATTORNEY GENERAL said, he did not see his way to the adoption of the Amendment, the object of which was to avoid the Court of Intermediate Appeal. If the parties agreed to an arrangement to take their case at once

before the House of Lords, they would have the power of doing so; but in important cases he thought it most desirable that the House of Lords should have the benefit of the opinion of the primary Court of Appeal. The effect of the Amendment would be to set up a competition between the two Courts of Appeal.

SIR HENRY JACKSON said, that in practice the power of carrying the appeal directly to the House of Lords had been found most convenient, and had tended to the diminution of expense, and he knew of no case of hardship having arisen.

SIR FRANCIS GOLDSMID said, he could not see the advantage of compelling parties to go through the Intermediate Court, and thereby incurring an additional expense.

MR. H. COLE also could not see any objection to parties skipping the Court of Intermediate Appeal and going direct to the House of Lords, but he regarded the Amendment as an attempt to get rid of the Court of Intermediate Appeal, in which matters were thoroughly sifted.

MR. WATKIN WILLIAMS believed that no difficulty existed with regard to cases in Chancery; but thought some difficulty might arise in respect to cases in the Common Law Courts.

MR. GREGORY said, he was not prepared to admit that no difficulties had arisen with regard to cases in Chancery under the old system.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 4 (Form of appeal to House of Lords), *agreed to*.

Clause 5 (Attendance of certain number of Lords of Appeal required at hearing and determination of appeals).

On the Motion of Sir COLMAN O'LOGHLEN, Amendment made in page 2, line 5, by inserting after "Chancellor," the words "of Great Britain."

Clause, as amended, *agreed to*.

Clause 6 (Appointment of Lords of Appeal in Ordinary by Her Majesty).

MR. CHARLEY moved, as an Amendment, in page 2, line 15, at end, add—

"and shall then only take effect, in case the number of Peers of Parliament for the time being holding, or who shall have held, any of

*Sir Edward Watkin*

the offices in this Act described as high judicial offices, shall not exceed five."

SIR HENRY JAMES opposed the Amendment.

THE ATTORNEY GENERAL said, he could not accept it.

Amendment, by leave, *withdrawn*.

SIR EARDLEY WILMOT said, he was of opinion that only persons of judicial experience should sit in the Supreme Court of Appeal, and would therefore move in page 2, line 20, to leave out all after "offices," to the end of line 22.

MR. OSBORNE MORGAN hoped the Amendment would not be accepted, as it would limit the area of selection.

THE ATTORNEY GENERAL said, he could not see his way to accept the Amendment, which would limit the choice of the Lord Chancellor to the *Puisne* Judges.

SIR HENRY JAMES supported the Amendment. He thought the Minister of the day should have no inducement to appoint a Judge from political motives. They were asked to confer a political vote as well as a judicial appointment.

Amendment *negatived*.

Amendment, in page 2, line 27, after "every," insert—

"Peer of Parliament for the time being holding, or who shall have held, any of the offices in this Act described as high judicial offices, who shall be present at and take part in the hearing and determination of appeals to the House of Lords, the sum of one thousand pounds a year, such sum to be additional to any sum to which he may be entitled under any Act or Acts by way of pension. There shall be paid to every,"—(*Mr. Charley*), by leave, *withdrawn*.

Amendment, in page 2, line 28, leave out "six," and insert "eight,"—(*Sir Eardley Wilmot*)—*negatived*,

MR. SERJEANT SIMON said, he should move that the Chairman report Progress. The next Amendment, which stood in his name, involved a question of great Constitutional importance, and in the short interval of 40 minutes which remained before the House must adjourn, it would be impossible properly to discuss so interesting a question. The clause proposed that every Lord of Appeal in Ordinary, not a Peer, should rank as a Baron, and it was provided that he—

"shall during the time that he continues in his office as a Lord of Appeal in Ordinary, and no longer, be entitled to a writ of summons to

attend, and to sit and vote in the House of Lords."

His proposal was to omit the words, "during the time that he continues in in his office as a Lord of Appeal in Ordinary, and no longer." But the question could not be properly raised at such a time.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Serjeant Simon*.)

THE ATTORNEY GENERAL opposed the Motion, observing that the Committee could very well deal with the hon. and learned Gentleman's Amendment.

MR. OSBORNE MORGAN supported the Motion to report Progress. The Amendment, he observed, was of a very important nature, one touching the very essence of the Bill, and involving the honour and dignity of Parliament. It would, moreover, be followed by other Amendments of almost equal importance.

MR. MORGAN LLÓYD suggested that it would be a better course to proceed with the Bill, and to postpone the hon. and learned Gentleman's Amendment.

SIR HENRY JAMES advised the Committee to report Progress, as they had only another half-hour to devote to the Bill at that sitting, and he thought it would be advantageous to the further discussion of the measure, if they did not proceed with it further at that time.

Question put.

The Committee *divided*:—Ayes 29; Noes 156: Majority 127.

MR. SERJEANT SIMON moved, as an Amendment, in page 2, line 33, after the word "shall," to leave out the words to "longer" in the following line. The effect of the Amendment would be to omit the words which declare a Peer entitled to a Writ of Summons "during the time that he continues in his office as a Lord of Appeal in Ordinary and no longer." The object of certain Members of that and the other House had, he said, been to retain that ancient jurisdiction which the House of Lords, to their credit and in the interests of the public, had themselves relinquished. He would admit that when Parliament came to establish a Final Court of Appeal for



Great Britain and Ireland it stumbled upon a difficulty as to Ireland and Scotland. It was not satisfactory to those countries to bring their appeals to London to be settled by a purely English Court of Law. He did not, therefore, complain that the Final Court should be so constituted as to meet all the requirements of the case; but if the Government had framed a scheme for retaining the jurisdiction of the House of Lords, he should have expected that the scheme would have been compatible with the dignity of the House of Lords itself, and with the objects for which this new Court of Appeal was about to be established. Instead, however, of creating Peers for life, as the Government ought to have done, if they desired to give proper *status* and dignity to the post, and to attract men of the same high class as had hitherto occupied the position of Law Lords, what had the Government done? They had created for the first time in our history statutory Peers. He was not aware of a single instance in our legal and political history in which such a thing had been done. It had always been held that the Crown was the source of honour and dignities. He did not, however, complain that the House of Lords had asserted the power of creating a new dignity, but the form in which it had been done was a novelty that had been reserved for a Conservative Government. They had created a class of Peers who were not to be Peers for life, but Peers at will—Peers at the pleasure of the holder—and Peers during good behaviour. These Lords of Appeal in Ordinary would hold the rank of Baron for life; they were to receive a Writ of Summons to the House of Lords as long as they discharged appellate duties, and they would be removable, like other Judges, for misconduct. Would such a proposal be likely to attract the proper class of men, or was it consistent with the dignity of the Peerage? It had been said that these Lords of Appeal would be Lords of Parliament only and not Peers; but such high authorities as the Lord Chancellor, Lord Selborne, and Lord Hatherley had spoken of them as Peers. They had also been compared to the Scotch and Irish Peers, and even to the Bishops; but he contended that there was no analogy whatever between them. Were this proposal carried out,

a weak and ambitious man might cling to office when he was no longer fit for his duties, and a subservient man might truckle to the Government in order to have an hereditary Peerage, while a man of independent spirit who had excited party animosities might be passed over or prematurely relegated to obscurity.

And it being now ten minutes to Seven of the clock, Debate *adjourned*.

House resumed.

Committee report Progress, to sit again *this day*.

And it being now five minutes to Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

#### SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### COMMITTAL AND TREATMENT OF LUNATICS.—OBSERVATIONS.

MR. DILLWYN, in rising to call attention to the operation of the existing Laws relating to the committal and custody of lunatics; and to move—

"That, in the opinion of this House, those Laws do not afford sufficient safeguards against illegal incarceration and the maltreatment of lunatic patients,"

said, that last Session he called the attention of the Home Secretary to the case of a Miss Wood, who held peculiar religious views, and he took up her case on the ground that she had been incarcerated improperly and without the Lunacy Laws having been complied with. His right hon. Friend immediately directed inquiries to be made, and the result was that Miss Wood was liberated, it being proved that she had been improperly imprisoned. It seemed, however, that she was shortly afterwards again committed and imprisoned. That lady might have been a lunatic; but he was somewhat startled at the manner in which the laws affecting lunatics were in the instance of her first incarceration dispensed with, and he therefore had instituted inquiries in regard to the

*Mr. Serjeant Simon*

working of those laws. The result of his inquiries satisfied him of two things; first, that the law affecting the custody and treatment of lunatics was in general very loosely administered; and secondly, that the laws themselves were inherently bad. With regard to the lax administration of the law, hon. Members who were magistrates must have noticed in their several counties the great increase of lunatic patients which had led to great difficulty in making provision of county asylums and other accommodation for their reception. He believed a great deal of that increase was due to the extremely lax administration of the Lunacy Laws. From a Return, signed by the clerk of the St. George's Union, Middlesex, it appeared that through the exertions of one of the Guardians who had investigated the matter, the number of lunatics in that Union had been considerably reduced, it being found that a great number of them had been improperly sent there. He would also call the attention of hon. Members to the Reports of the Lunacy Commissioners in 1872 and 1873 to show the lax administration of the law. He found that in one asylum it had been the practice to call in the aid of men-servants to assist in restraining the violence of female patients, and that in another case a lunatic's death had been caused by violence, but he was not aware that there had been a prosecution in that case. What he desired was that the private lunatic should be placed in the same position as the pauper lunatic. The latter were placed under the care of public medical officers, and placed in a public institution subject to public inspection. The fact was, the Lunacy Law, instead of being strongly enforced, as it ought to be, was administered very laxly. That state of things, he believed, was mainly owing to the fact that, practically speaking, the prosecution of violations of the Lunacy Law rested with the Lunacy Commissioners alone, and to them was thus to be attributed in some measure the existing loose state of the administration of the law. He did not think that the power of prosecution ought to rest with those who might reasonably be expected to feel that such prosecutions would be virtually indictments against themselves, and he knew frequent instances in which those persons desirous of instituting these prose-

cutions were not satisfied with the veto thus practically possessed by the Commissioners, as they believed, rightly or wrongly, that their disposition was rather to condone than to prosecute infringements of the Lunacy Laws in asylums, being supposed to be often on terms of friendly footing with the proprietors, being supposed to be hospitably received on the occasion of their visits to the asylums, and being themselves to some extent responsible for irregularities which occurred in establishments licensed and supervised by them. The question whether there should be a prosecution ought to rest, not with those who were mixed up more or less with the management of lunatic asylums, but either with the Law Officers or some competent independent authority who would not be under any suspicion of favouritism. Again, with regard to detention, he considered it most objectionable that the proprietors of private asylums, who had an interest in keeping the lunatics as long as possible, should have the power to decide whether a man should continue to be incarcerated. The medical man who was in constant attendance was the only person who could really decide whether a man was insane or not. The visiting magistrates were not competent to decide such a question. As to the necessity for an alteration of the law, he might call in aid Lord Shaftesbury, who was the head of the Lunacy Law Commission, and who said, in his evidence before the Select Committee, that the proprietors of asylums were under a severe temptation to detain patients, their object being to get as many patients as long as they can, and stint them in medicines, food, and comfort. Let the House contrast the position of a pauper lunatic sent to a public asylum presided over by the county magistrates, whose interest it was that the lunatic should not be detained a day longer than was necessary, with that of a lunatic confined in a private asylum, the proprietor of which, who had the most potential voice in determining whether the confinement should be prolonged, had a direct interest in keeping the lunatic in the asylum as long as possible. He was only astonished that the noble Lord should have consented to remain so long at the head of the Lunacy Law Commission, without endeavouring to procure an alteration of the law, so as to rectify the

abuses he had described. As regarded the private patients, he would, in the first place, do away with the Lunacy Commissioners; and, in the next place, he should require that no person should be placed in a lunatic asylum without the warrant of some public authority. He further proposed that all private lunatic asylums should be abolished, and that all such places of confinement should be public institutions. He thought no lunatic should be set at large without the most careful examination into his state of mind, because his own experience as a visiting magistrate had shown him the difficulty of determining whether or not a person who had once been a lunatic was sufficiently recovered to be released with safety; but he utterly denied that the person most competent to form a correct opinion in such cases, and who must therefore necessarily have a most potential voice in the decision arrived at, should have a direct pecuniary interest either one way or another in such decision. His first intention was to ask the House to appoint a Committee to inquire into the subject; but it was now too late for this purpose, and he had therefore preferred to bring the matter forward in its present form in the hope that the Government would consider the question in the Recess with a view to early legislation. The opinion of Lord Shaftesbury to some extent agreed with his own upon the subject, and he hoped it would be taken up by the Government. He would not move any Resolution on the subject. He would content himself, after the statement he had made, to leave the matter in the hands of his right hon. Friend the Secretary of State for the Home Department.

SIR EARDLEY WILMOT said, he was deeply sensible of the importance of the subject, but he was glad that the hon. Gentleman had determined to leave the question to be dealt with by the Government on their Ministerial responsibility. There was no doubt a defect in the management of these private asylums, and he hoped the Government would turn their attention to the subject.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Ten o'clock till Monday next.

*Mr. Dillwyn*

## HOUSE OF LORDS,

*Monday, 10th July, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Customs Duties Consolidation \* (162); Customs Laws Consolidation \* (163); Elver Fishing \* (164); Notices to Quit (Ireland) \* (165).

*Second Reading*—Settled Estates Act (1856) Amendment \* (151).

*Committee*—Local Government Board's Provisional Orders Confirmation (Bingley, &c) \* (136).

*Committee*—*Report*—Local Government Provisional Orders, Bristol, &c. (No. 6) \* (129); Waterford, New Ross, and Wexford Junction Railway (Sale) \* (133); Crab and Lobster Fisheries (Norfolk) \* (164); Local Light Dues (Reduction) \* (132); Wild Fowl Preservation \* (134).

*Report*—Union of Benefices \* (147); Friendly Societies Act (1875) Amendment \* (149).

*Third Reading*—Saint Vincent, Tobago, and Grenada Constitution \* (166), and *passed*.

## TURKEY—ALLEGED ATROCITIES IN BULGARIA.—QUESTION.

EARL GRANVILLE: I beg to put a Question to the noble Earl the Secretary for Foreign Affairs, of which I have given him private Notice, with regard to the alleged atrocities in Bulgaria on the part of the irregular troops of the Porte. I shall be glad to know if he has any information of an official character which he can communicate to the House?

THE EARL OF DERBY: I am not in a position to give any definite information of the kind which the noble Earl desires. After the Question which was put the other day by a noble Duke who is not now in his place (the Duke of Argyll), I wrote to Sir Henry Elliot to know what information he could give on the subject. Sufficient time has not yet elapsed for an answer to be received. Seeing, however, that statements of a similar character to those referred to in this House have been repeated in the Press, and that they have excited strong public feeling in this country, I this morning, before Notice of the Question reached me from the noble Earl, telegraphed to Sir Henry Elliot to communicate to us what he knows on the subject with the least possible delay. At present the only information I have on the matter in question is unofficial, and it does not confirm to anything like the full extent

the statements which have appeared in the Press.

House adjourned at half past Five o'clock,  
till To-morrow, half past  
Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 10th July, 1876.*

MINUTES.] — NEW MEMBER SWORN — Sir Edmund Anthony Harley Lechmere, baronet, for the Western Division of the County of Worcester.

PUBLIC BILLS — *Ordered* — *First Reading* — Norwich and Boston (Suspension of Writ, &c.) \* [244].

*First Reading*—Elementary Education Provisional Order Confirmation (Cardiff) \* [243].

*Second Reading*—Convict Prisons (Returns) \* [227]; Metropolitan Commons (Barnes) \* [234]; General Police and Improvement (Scotland) Provisional Order Confirmation (Paisley) \* [235]—(Perth) \* [236]; Public Health (Scotland) Provisional Order (Irvine and Dundonald) \* [237]; Elementary Education Provisional Order Confirmation (Tolleshunt Major) \* [238]; Local Government Provisional Orders (Carnarvon, &c.) \* [239]; Provisional Orders (Ireland) Confirmation (Coleraine, &c.) \* [240]; Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation \* [241]; General Police and Improvement (Scotland) Provisional Order (Lerwick) \* [242]; County Rates (Ireland) \* [138].

*Committee*—Elementary Education [155]—R.P.; Isle of Man (Officers) \* [215]—R.P.; Medical Act (Qualifications) [170]—R.P.

*Committee—Report* — Turnpike Acts Continuance, &c. \* [209]; Sea and River Banks (Lincashire) \* [213]; Nullum Tempus (Ireland) \* [167]; Legal Practitioners (Ireland) \* [142].

*Committee—Report—Considered as amended—Third Reading*—Public Works Loans (re-comm.) \* [228], and *passed*.

*Third Reading*—Tramways Orders Confirmation (Bristol, &c.) \* [203], and *passed*.

*Withdrawn*—Sale of Coal \* [132]; Convention (Ireland) Act Repeal \* [143].

## SCIENCE AND ART—THE TRANSIT OF VENUS.—QUESTION.

MR. CHILDERS asked the First Lord of the Admiralty, When the results of the observations of the Transit of Venus may be expected to be made public?

MR. HUNT, in reply, said, he was told that the results could not be made public for six months, or, perhaps, a longer period. Of course, he should be glad to make the results public as soon as they had been ascertained.

## TURKEY—BOSNIA AND HERZEGOVINA.

### QUESTION.

MR. BRUCE asked the First Lord of the Treasury, Whether he can fix a day for the discussion of the Motion on the affairs of Bosnia and Herzegovina?

MR. DISRAELI: Mr. Speaker, I think it will be scarcely possible, in a manner satisfactory to the House, to fix a day for a discussion on the subject to which my hon. Friend refers until we have the Papers on the Table, because we must act according to precedent in the matter, and when the Papers are on the Table the noble Lord opposite may wish, and it will be perfectly open to him, to bring the subject under the consideration of the House. Of course, under these circumstances, every independent Member on either side will defer to the claim of the noble Lord. I quite recognize that my hon. Friend has a *locus standi* in this question in the Notice he has previously given; and assuming, as a matter of course, that there will be a discussion on the subject—even if there may not be one which involves the opinion of the House by a formal Motion—I should, under those circumstances, recognize the claim of my hon. Friend and endeavour to meet his convenience. But until the Papers are on the Table, I think I should hardly do justice to the feelings of the House if I made any arrangement for the discussion of a question of such an important character by a private Member.

## WEST INDIES—ISLAND OF ST. VINCENT.—QUESTION.

ADMIRAL EGERTON asked the Under Secretary of State for the Colonies, with reference to a Question put by the honourable Member for Longford on May 11th relating to an irregular payment reported to have been made by the authority of the Lieutenant Governor of St. Vincent, If any and what explanation has been received at the Colonial Office?

MR. J. LOWTHER: An explanation, Sir, has been received from the Lieutenant Governor of St. Vincent, in reply to inquiries made in consequence of the Question put to me on the date referred to by the hon. Gentleman the Member for Longford. From this explanation, it appears that the hon. Gentleman was

misinformed in the matter. The facts are that the Lieutenant Governor, in the exercise of the power vested in him, remitted the fees of Court, amounting to £12 8s. 9d., due to the Treasury from the plaintiffs in a suit, who were destitute orphan children. It is only right that I should add that the Lieutenant Governor appears to have exercised a wise discretion in the matter.

#### IRELAND—THE UPPER SHANNON.

##### QUESTION.

MR. ERRINGTON asked the Chief Secretary for Ireland, Whether, considering how little the Upper Shannon is used for navigation, he would be prepared to sanction and assist in removing or modifying the obstructions such as Termon Wall, by which the water is kept back and whole tracts of country flooded, and fishing interests sacrificed?

SIR MICHAEL HICKS-BEACH: I am not prepared, Sir, to admit that the works at Tarmanbarry do so much injury to the Shannon Valley, or that the navigation of the Upper Shannon is so useless as would appear to be implied by the hon. Member's Question. If, however, it were proved that the injury which may be done would be materially diminished by the insertion of sluices in the weirs, and the land-owners were prepared to bear their fair proportion of the expense, the Government would be ready to consider any proposals that might be made with that object.

#### FISHERIES (IRELAND) — TRAWLING VESSELS IN GALWAY BAY.

##### QUESTION.

MR. O'SHAUGHNESSY asked the Chief Secretary for Ireland, Whether any decision has yet been come to on the subject of the inquiry held in 1872, as to the use of trawling vessels in Galway Bay; if not, whether he can explain the cause of the great delay in arriving at such a decision; and, whether he will impress on the fishing authorities the propriety of deciding the question without further delay?

SIR MICHAEL HICKS-BEACH: Sir, I think I informed the hon. Member, at an early period of the Session, of the reasons for the delay in arriving at a decision on the subject of the inquiry

held in 1872 as to trawling in Galway Bay. The result of that inquiry was, that experiments were directed to be made in every month in the year as to the effect produced by trawling on the fisheries in the bay. These experiments were entrusted to the Coastguard, and were conducted in several months of the years 1872 and 1873, but were then discontinued, the officer conducting them being removed. His successor was understood to have resumed them, but he became of unsound mind, and on his leaving the district no record could be found of what he had done. The experiments were again resumed in 1875, and August is now the only month of the year in which they have not been carried out. It is expected that they will then be completed, and the Inspectors will be in a position to make a decision on the matter. In the meantime, fishing of every description is being carried on without interference.

#### ARMY—AUXILIARY FORCES—MILITIA STAFF PENSIONS.—QUESTION.

COLONEL ALEXANDER asked the Secretary of State for War, Whether he proposes to give pensions to non-commissioned officers and men of the permanent staff of Militia regiments on their discharge after twenty-one years' service?

MR. GATHORNE HARDY, in reply, said, he hoped a revised pension-list would shortly be issued, which would show his hon. and gallant Friend how it was proposed to deal with this class of officers.

#### ITALY — CASE OF MR. WILLIAM MERCER.—QUESTION.

SIR WILLIAM STIRLING MAXWELL asked the Under Secretary of State for Foreign Affairs, What steps Her Majesty's Government have taken or are taking to obtain from the Government of the King of Italy repayment of the expenses incurred by Mr. William Mercer at his trial in 1873 on certain false charges by the police of Castellamare, and payment of compensation for ill-treatment received at the hands of the police, for which Her Majesty's Minister in Italy, in August, 1873, was instructed by Earl Granville, then Secretary of State for Foreign Affairs, to prefer a claim?

**MR. BOURKE:** The proceedings, Sir, in regard to Mr. William Mercer occurred in the Italian Courts in 1873, and resulted in Mr. Mercer's acquittal. Sir Augustus Paget, then Her Majesty's Minister at Rome, was instructed by Her Majesty's Government to represent the whole of the facts to the Italian Government, and to express an opinion that the Government ought to consider the equity of the claim Mr. Mercer had against them for the sufferings he had endured. To this representation of Her Majesty's Government the Italian Government positively refused to listen in the way in which Her Majesty's Government expected them to do. Under these circumstances the opinion of the Law Officers of the Crown was taken, and another representation was made to the Italian Government, who represented that they had already tried the police of Castellamare, who had caused the sufferings of Mr. Mercer, and that they had been punished. They added that if Mr. Mercer considered he had been ill-used the Courts of Law in Italy were open to him, and that his case would receive exactly the same consideration from a tribunal as if he was an Italian subject. Mr. Mercer had not, in the exercise of his discretion, chosen to appeal to an Italian Court, and, under the circumstances, Her Majesty's Government thought they could not interfere further on his behalf.

**POST OFFICE—CAPE OF GOOD HOPE  
MAIL CONTRACT.—QUESTION.**

**MR. GOURLEY** asked the Postmaster General, If it be correct that the contract for the conveyance of the Cape of Good Hope Mails, dated 19th December 1872, with the Union Steam Shipping Company has been cancelled; if so, if he will state upon what terms; whether it be his intention to submit the future conveyance of the Mails to public competition, or enter into a private contract with the owners of one or both the existing steam lines; and, if he will consent to place upon the Table of the House all correspondence between the Post Office, the Cape Government, and owners of vessels now carrying the Mails?

**LORD JOHN MANNERS**, in reply, said, that the contract entered into by the Post Office with the Union Company

in 1872 was not submitted to the House by the Government of the day; but probably what the hon. Gentleman referred to was the contract of 1868, for the conveyance of the Cape Mails, and which terminated at the close of last month, the usual 12 months' notice having been given. The Home Government did not intend to enter into any new contract, the South African colonies having been left to make their own arrangements for the future conveyance of the Mails. He had no objection to produce the correspondence with the Union Steam Shipping Company; but as the Correspondence with the Cape Government had passed through the Colonial Office, he must consult the Under Secretary for the Colonies as to what portion, if any, of that Correspondence could be laid on the Table.

**TURKEY—THE PAPERS ON THE  
EASTERN QUESTION.—QUESTION.**

**MR. E. JENKINS** asked the First Lord of the Treasury, If he will state definitely the day on which the Papers on the Eastern Question will be in the hands of Members?

**MR. DISRAELI:** Every effort, Sir, is being made at the Foreign Office in order that these Papers may be laid on the Table. It is impossible for me to say definitely on what day they will be produced, because it does not depend merely upon Her Majesty's Government; but I saw my noble Friend the Secretary of State for Foreign Affairs before I came into the House half-an-hour ago, and he told me he thought he might count on their being laid on the Table at the beginning of next week.

**THE FIJI ISLANDS—RUMOURED  
DISTURBANCES.—QUESTION.**

**SIR WILFRID LAWSON** asked the Under Secretary of State for the Colonies, Whether there is any truth in the report of serious disturbances having recently taken place in the Fiji Islands?

**MR. J. LOWTHER:** It is true, Sir, that some disturbances have occurred in Fiji; but I am happy to say that the reports which have been circulated are considerably exaggerated, and that the disturbances do not deserve the adjective "serious" which my hon. Friend applies to them. It appears that raids were

made upon some native villages by a section of the neighbouring mountain tribes. The Governor reports that the outbreaks were of a purely local character, that he had taken prompt steps to restore order, and that he had no apprehension respecting the peace of the colony.

**SALMON FISHERIES ACT, 1861—THE SOLWAY.—QUESTION.**

MR. STAFFORD HOWARD asked the Secretary of State for the Home Department, If he can state why it is that, whilst all the stake nets on the English side of the Solway were done away with by "The Salmon Fisheries Act, 1861," those on the Scotch side have been allowed to remain; and, whether he can render any assistance in remedying what is felt by the English fishermen to be a great injustice?

MR. ASSHETON CROSS, in reply, said, he was not in any way responsible for the legislation of 1861, but the fact unfortunately was, that the law on the two sides of the Solway were different. The subject was mentioned in the Reports of the Inspectors of Salmon Fisheries for 1875, who said it was desirable to remove the anomaly, but the Scotch proprietors were indisposed to adopt the necessary legislation. The Esk was under the English Acts; but there would be a strenuous opposition among the proprietors on the north side of the Solway, which was only the estuary of the Esk, to come under the same law.

**LAW AND JUSTICE — THE IRISH JUDICIAL BENCH—SERJEANT ARMSTRONG.—QUESTION.**

MR. CALLAN asked the Chief Secretary for Ireland, Whether the insertion of the names of the Serjeants at Law in the Commission of Assize is not such a matter of ordinary routine as not to confer any right, in case of the existence of a vacancy amongst the Judges, to be selected to go as Judge of Assize; whether the statement which has appeared in the Dublin newspapers, to the effect that Serjeant Armstrong has been appointed to go as Judge of Assize, is correct; if so, whether, at the time of the appointment of Serjeant Armstrong to go as Judge of Assize, the Irish Executive were aware that the Serjeant

Armstrong referred to is the same individual as the "Richard Armstrong" whose name was returned by the Commissioners appointed to inquire into the existence of Corrupt Practices at Elections for the Borough of Sligo under Schedule D, as "guilty of bribery;" whether the said Commissioners further reported that "Serjeant Armstrong" had "expended £1,480 in bribery;" "that the number of voters so bribed amounted to 97; of these we have ascertained the names of 65, among whom the sum of £1,200 was distributed;" whether, in consequence of the said report, the borough of Sligo was disfranchised; and, whether, in view of the foregoing circumstances and the precedent in the Stonor case, Her Majesty's Government are still prepared to appoint, or, if appointed, to cancel the appointment of an individual reported and scheduled as "guilty of bribery," to the important judicial office of going Judge of Assize?

SIR MICHAEL HICKS - BEACH: Any official action, Sir, in the nature of making or revoking an appointment such as that alluded to in the Question rests with the Lord Chancellor of Ireland rather than with myself, and his Lordship has, therefore, forwarded to me a statement in reply to the hon. Member, which, with the permission of the House, I will read—

"In Ireland there are three Queen's Serjeants, who are always named in the ordinary Commissions for the Assizes together with the Judges. The Queen's Counsel are not named in these Commissions, and if one is sent as Judge, a special Commission is issued for the purpose. When a Judge does not go circuit the proper person to take his place is a Serjeant. If no Serjeant goes, a Queen's Counsel is sent. The first Serjeant is Serjeant Armstrong. The other two Serjeants are in Parliament, and could not go as Judges, both on Constitutional grounds and because the payment they would receive might vacate their seats. Serjeant Armstrong was, under a Royal Commission, issued in June, 1869, to inquire into the existence of corrupt practices in the borough of Sligo, found to have been guilty of corrupt practices at the previous election of 1865, when he was returned to Parliament for the borough of Sligo. The Act of Parliament under which the Commission was held—15 & 16 Viet. c. 57—being with a view to inquiry and not punishment, protects every person who, like Serjeant Armstrong, is examined before such a Commission and makes a full disclosure, and declares that he shall be freed from all penal actions, forfeitures, punishments, disabilities, and incapacities. Serjeant Armstrong was not disturbed in his office of Serjeant either by the Government of the day or any succeeding Government, and has been

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named in every succeeding Commission as one of the Judges. Nearly 11 years have elapsed since the election in connection with which the corrupt practices occurred, and the Chancellor considered that Serjeant Armstrong, who is of distinguished eminence in his Profession, and who ranks next after the Law Officers, should not be considered disqualified to discharge the duties of his office, and might, therefore, in fulfilment of one of them, preside in the absence of a Judge at the Assizes."

#### CHURCH OF ENGLAND—THE VICARAGE OF HALIFAX.—QUESTION.

LORD FREDERICK CAVENDISH asked the Secretary of State for the Home Department, When he proposes to introduce the Bill which he has promised with respect to the vicarage of Halifax?

MR. ASSHETON CROSS, in reply, said, this question had attracted the attention of the Government, and he had hoped that by this time a Bill would have been introduced, probably in the other House. There was a difficulty, however, which the Government did not see their way to get over—namely, that the Act which regulated the Vicarage of Halifax was a private Act; and, as private interests must therefore be affected, the Government had come to the conclusion that it would be necessary to deal with the subject by a Private Bill.

#### NAVY—TENDERS FOR SHIPBUILDING. QUESTION.

COLONEL BERESFORD asked the First Lord of the Admiralty, Whether, when tenders are invited from eminent engineering shipbuilding firms for Steam Tugs for Her Majesty's Navy, it is usual to select a tender from the list at a considerably higher cost to the Government in lieu of the lowest tender; and, whether such a selection was not made on a very recent occasion?

MR. HUNT, in reply, said, that when tenders were asked for by the Admiralty there was always a condition that the Admiralty were not bound to accept the lowest or any tender. This condition was inserted because there was often a great difference in the quality of the work and in the experience of different firms. On a recent occasion, as was indicated in the Question, a tender was accepted which was not the lowest tender. There was a sufficient reason

for the course taken by the Admiralty, the firm whose tender was accepted having recently built a vessel of the same kind, and having given great satisfaction, while the firm whose tender was the lowest had executed work which had not been of the same satisfactory character.

#### ARMY—REGIMENTAL EXCHANGES. QUESTION.

COLONEL BERESFORD asked the Secretary of State for War, If it be the case that Officers who exchanged from purchase Regiments prior to the 1st day of November 1871 into either of twelve new Line regiments forfeited thereby the regulation value of their Commissions; and, if so, by what rule or regulation they did so; and, whether they were warned at the time of exchanging that such forfeiture would be the consequence?

MR. GATHORNE HARDY: Sir, officers who exchanged from Purchase corps into either of the 12 new Line regiments ought to have been fully aware of the nature of such an exchange, as the Regulation on the subject is as follows (extract from Article 65 of the Royal Warrant for Pay and Promotion of the 27th of December, 1870):—

"An officer exchanging from a Purchase regiment into a non-Purchase regiment shall put into abeyance those rights of sale which he may have acquired by purchase or service, and those rights shall not be revived unless he again exchanges to a Purchase regiment."

#### PARLIAMENT—ELEMENTARY EDUCATION (PROVISIONAL ORDER CONFIRMATION) (LONDON) BILL.

##### QUESTION. EXPLANATION.

LORD FRANCIS HERVEY asked the Vice President of the Council, If he could explain why, notwithstanding an assurance given by him to the contrary, the Second Reading of the Elementary Education Provisional Order Confirmation (London) Bill was taken on Friday last?

VISCOUNT SANDON, in reply, said, that the mistake was owing simply to his accidental absence and that of his noble Friend from the House. He was very sorry the mistake should have occurred; but the Government would give his noble Friend every opportunity of



opposing the Bill at a later stage if he thought fit.

LORD FRANCIS HERVEY wished, as a matter of personal explanation, to say that he made no insinuation whatever against his noble Friend. He was aware that his noble Friend was not in the House at the time, and that was the reason he asked the Question. He himself was not in the House, because he went out to the Lobby to ask his noble Friend what his intention with regard to the Bill was, and his reply was, that it was much too late to take the Bill that night, and that he was going to leave the House. Satisfied with that assurance, he re-entered the House and discovered that the Bill had been read a second time. The question had important bearings in its Parliamentary aspect. The way in which important and Opposed Business was taken at times when amid the confusion of hon. Members leaving the House no one could tell what was going on, was not creditable to the House, and had a very injurious effect on Public Business. In order to put himself in Order, he begged to move the Adjournment of the House.

MR. DILLWYN seconded the Motion, and appealed to the right hon. Gentleman in the Chair to say what might be the best mode of remedying the inconvenience complained of. Perhaps it might be done by means of a Standing Order.

Motion made, and Question proposed, "That this House do now adjourn."—*(Lord Francis Hervey.)*

MR. W. H. SMITH said, that as he was the Member of the Government responsible for the accident, he wished to explain how it had occurred. He was in charge of the Orders of the Day when the Ministers who had charge of Bills were not in their places. On Friday he noticed that his noble Friend (Lord Francis Hervey) was in his place just at the moment before the Order was reached. His noble Friend had two Notices on the Paper—one that the Bill should be read a second time that day three months; the other that it should be referred to a Select Committee. Having moved, as was his duty, that the Bill should be read a second time, he expected his noble Friend to rise and move either that it should be read a second time that day three months, or,

having been read a second time, that it should be referred to a Select Committee. He was surprised, however, to find that his noble Friend was not present; and that he might not be placed at a disadvantage, he asked the Clerk to put down a Notice in his noble Friend's name, for the next stage that the Bill be committed that day three months. If he had had an idea that either his noble Friend or the Vice President of the Council desired that the Bill should be postponed, he would readily have postponed it. He thought it was the opinion of the House that a Bill, which the Standing Orders require to be referred to a Select Committee, ought not to be delayed in the absence either of the hon. Member in charge of the Bill, or of the hon. Member opposed to it.

SIR WILLIAM FRASER suggested that it might be for the convenience of the House that a minute should be allowed to elapse between announcing the numbers of a division and the calling on of a fresh Order.

Motion, by leave, *withdrawn.*

#### TURKEY—ALLEGED ATROCITIES IN BULGARIA.—QUESTION.

##### OBSERVATIONS.

MR. W. E. FORSTER: I beg to ask the First Lord of the Treasury a Question of which I have given him Private Notice, referring to the accounts of the Turkish atrocities in Bulgaria. Many hon. Members will have read with pain—I may say with horror—the accounts to which I refer, and the Question that I have to put to the right hon. Gentleman is, Whether any reply has been received to the inquiry addressed by the noble Earl the Secretary of State for Foreign Affairs, which on Monday week he said he would make, as to the outrages which had been perpetrated by the Turkish troops? I wish to ask, whether there has been any reply confirming the statements contained in *The Daily News* of last Saturday, and also in a letter from Therapia, a suburb of Constantinople, in *The Times* on the same day, to the effect that a large number of Bulgarian girls had been sold publicly as slaves; and also that a very large number of Bulgarians are now undergoing tortures in prisons; and, whether the right hon. Gentleman is willing to lay on the Table any Papers and De-

spatches that Her Majesty's Government may have received relating to this subject?

MR. DISRAELI: Mr. Speaker, no reply has been received to the inquiry made by my noble Friend the Secretary of State for Foreign Affairs on the subject referred to by the right hon. Gentleman. But it would be impossible that a reply could be received by this time. With regard to the Papers connected with these atrocities in Bulgaria, some communications have been made between the Government and our Ambassador at Constantinople and the Consuls at the seats of disturbance, and all the information we have received upon this subject will be found in the Papers to be laid on the Table in a few days. With respect to the reports of the terrible atrocities to which the right hon. Gentleman has referred, I would still express a hope that when we become better informed—I would express this hope for the sake of human nature itself—when we are thoroughly informed of what has occurred it will be found that the statements are scarcely warranted. The House must recollect that we are in constant communication with our Ambassador at Constantinople. Every day we hear from him. Sir Henry Elliot is not a man to be insensible to such terrible proceedings. On the contrary, he is a stern assertor of humanity, and I know no man who would more firmly and energetically interfere if he were aware of events such as those to which the right hon. Gentleman has referred. We are also represented in the seats of disturbance by gentlemen, as Her Majesty's Consuls, eminent for their abilities and high character—at Belgrade, at Ragusa, at Cetinje, and at other places; we are in constant communication with those gentlemen, and certainly no information of the kind has as yet reached Her Majesty's Government. That there have been proceedings of an atrocious character in Bulgaria I never for a moment doubted. Wars of insurrection are always atrocious. These are wars not carried on by Regular troops—in this case not even by Irregular troops—but by a sort of *posse comitatus* of an armed population. We know in our own experience that one of our Colonies, an ancient Colony of England—Jamaica—was the scene of transactions and of a panic which always accompanies insur-

rection, which no one can look back upon without horror. I cannot doubt that atrocities have been committed in Bulgaria; but that girls were sold into slavery, or that more than 10,000 persons have been imprisoned, I doubt. In fact, I doubt whether there is prison accommodation for so many, or that torture has been practised on a great scale among an Oriental people who seldom, I believe, resort to torture, but generally terminate their connection with culprits in a more expeditious manner. These are circumstances which lead me to hope that in time we may be better informed. I have no doubt there may be much to deplore in what has been done, and we may even become convinced that scenes have occurred which must bring to everyone feelings of the deepest regret. Still, I cannot but cherish a hope that some of the statements—the heart-rending statements—we have heard have not that foundation which some hon. Gentlemen believe they possess. I can only repeat that every effort will be made by Her Majesty's Government, and, as hon. Gentlemen will see when the Papers are before them, has already been made, to impress on the Government of Constantinople that the utmost efforts should be made to mitigate as much as possible the terrible scenes that are now inevitably occurring. When the information arrives I shall not lose a moment in apprising the right hon. Gentleman and the House of what the result may be; but at present I can only repeat that no answer has been received to the inquiry of my noble Friend the Secretary of State for Foreign Affairs, and that it is impossible that an answer should have been received.

MR. W. E. FORSTER: I trust that the House will allow me to make one remark. The long letter that appeared in *The Daily News* was in answer to an inquiry sent from London after the Question which I asked in the House. Doubtless that inquiry was made by telegram, and therefore I would venture to suggest to Her Majesty's Government that there should be telegraphic communication with Sir Henry Elliot without delay. I trust I may be pardoned for making that suggestion, and I also trust that the right hon. Gentleman may be right in supposing that there is exaggeration, yet there may have occurred what

is intensely horrible, and would excite indignation in us all. I cannot forget this—[“Order, order!”] If I am out of Order, I will conclude with a Motion; but I think it will be most important that we should obtain this information for this reason—that it appears that we could not have a discussion upon the state of the Eastern Question until the middle of next week. Generally speaking, the delay would matter little; but events are marching quickly in the East, and we see in the papers time after time these terrible statements, which to my mind carry a great deal of truth with them. [*Cries of “Order” and “Chair!”*]

MR. SPEAKER said, the House would allow the right hon. Gentleman every reasonable latitude in explanation, but he was now entering into reasons and arguments, and he was clearly out of Order, unless he was prepared to conclude with a Motion.

MR. W. E. FORSTER: Then, Sir, I will put myself in Order by moving the adjournment of the House. I was saying that side by side with these statements we have these facts. In the first place, we cannot have a discussion on the subject for several days. I do not blame the Government for postponing the discussion. I do not doubt that they are doing their utmost to bring out the Papers as soon as possible. I have no doubt that they wish for this discussion as much as we do; but events are marching very quickly in that country, and side by side with these terrible stories—which appear to me to have a great foundation of truth, because they are not merely mentioned in these newspapers, but in others; not only in the Christian newspapers, but in the Turkish papers also—we have constantly statements from Turkey itself, confirmed by information throughout the Continent, that the moral support of Her Majesty's Government is given to a Power which is perpetrating these atrocities. I am not blaming the Government. No doubt they are doing what they can to avoid that impression; but surely it is time now that we should know what is their policy in the future. Our own position is humiliating to the sense of honour of the country, and it is revolting to the consciences of Englishmen that we should be supposed to give our moral support to a Power which has

perpetrated these atrocities, unless it be proved to the contrary.

Motion made, and Question proposed, “That this House do now adjourn.”—(*Mr. William Edward Forster.*)

MR. EVELYN ASHLEY: I would beg to ask the right hon. Gentleman at the head of the Government a Question. He told us that he had received no information, though communications had arrived from the Consuls at Belgrade, Ragusa, and Cettinje; but these are not the districts where these alleged atrocities took place. I should like to know whether he has had any information from Philippopolis and Adrianople, where there are Consuls to whom he has made no allusion?

MR. ANDERSON: I think it would have been more assuring to the country if the Premier, instead of throwing doubt on these statements which have appeared, had rather treated them as if they contained a great deal of truth. We have heard of atrocities committed on non-combatants at which our blood curdles—atrocities upon women and children; and I do not think it is possible for anyone who has read the journals in which these statements appeared to doubt that there is a great deal of truth in them. At such a time as this I think it is the duty of every European Government to unite in representations to the combatants, and especially to the Turkish Government, to endeavour to get them to conduct the war on more civilized principles. Of course we know that war cannot be fought out with velvet gloves, and a good deal of atrocity must be committed. But I think there is a great deal in the present case perpetrated upon non-combatants, and women and children, that might be avoided if strong representations were made by other Governments.

MR. MUNDELLA: I am sure that the House will rejoice if the hopes expressed by the Premier can only be realized, when the House is in possession of full information on the subject, but I am afraid there is no chance of their being realized. From all we can gather by a comparison of the newspapers with private information, I am afraid we have not yet heard the whole of this matter. I have myself heard from private sources that the facts are so horrible that they cannot be recited by

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an English newspaper; and if that be so, even in the supposition that a tithe of what has been stated should be accurate, would it not be well for the Government to telegraph to Her Majesty's Minister at Constantinople to remonstrate upon these atrocities, and if possible to arrest their further continuance? It seems to me that we are left entirely in doubt as to what has been done by the Government. We do not know whether they have remonstrated or not. We have a magnificent fleet in Besika Bay, and we have a Minister at Constantinople, and are told by *The Times* and *The Daily News* all about these facts, and yet we have no information from the Government as to these matters, which are a disgrace to humanity, and which will form one of the bloodiest pages of history.

SIR EDWARD WATKIN: May I ask the right hon. Gentleman whether, looking to the great doubt that is thrown upon the reports that have been made, and the universal sympathy that must be felt for the sufferers, he is prepared to instruct Her Majesty's Minister at Constantinople to send some emissary or other to inquire into the truth of this report?

MR. DISRAELI: I have stated, Sir, that all the information we have received will be found in the Papers which will soon be on the Table, and I believe that information is ample. It will then be found that it was not when the subject was first mooted in the House that the attention of Her Majesty's Government was first given to the subject, but that our Ambassador at Constantinople and our Representatives in the disturbed districts had all been instructed to use their utmost influence to prevent the committal of any of these atrocities. I must again repeat, in order to prevent misconception, that I never for a moment wished to deny that there had been atrocities in Bulgaria or the other places mentioned; but when I was asked with regard to the atrocities particularized in some public journals, when my attention was called to them, and when I was asked whether the Government was aware of those atrocities—whether 1,000 Bulgarian girls had been sold as slaves and 10,000 of the population subjected to torture or thrown into prison, with other details of the same kind—when called on to say whether we had received information of such particulars, I felt it my

duty to tell the House that we had received no such information. That atrocities have been perpetrated in Bulgaria it will be clear to the House when it has the Papers in its hands; but none of the particulars upon which the Government have lately been challenged have reached us, although in constant communication with Her Majesty's Ambassador, and also not only with the Consuls that I have named, but also those at the places in the Turkish dominions to which the hon. Member for Poole (Mr. Evelyn Ashley) has referred; but in none of these communications have any of these details been mentioned. That is the answer I wish to make to the House, and I do not wish the answer to be misunderstood. I do not deny that atrocities have been committed, and I believe they must be inevitable in insurrectionary wars in such countries; but I have to answer directly the inquiry of the House, represented by the right hon. Gentleman (Mr. Forster), whether we had not received information of the particular details and horrors mentioned in the various journals to which the right hon. Gentleman referred. My answer is now, as before, that we have received no such information.

Motion, by leave, *withdrawn*.

#### ELEMENTARY EDUCATION BILL.

[BILL 155.]

(*Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Secretary Cross.*)

#### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Viscount Sandon.*)

MR. RICHARD,\* in rising to move—

"That, in the opinion of this House, the principle of universal compulsion in education cannot be applied without great injustice unless provision be made for placing public elementary schools under public management,"

said: It is with perfect sincerity that I say it gives me no pleasure to appear here as an objector to the Bill. I came down to the House on the day when the noble Lord was to introduce and expound his measure with as earnest a wish as man ever cherished that it might be of such a nature as to absolve me, at

least, from the necessity of offering to it any serious opposition. The cause of popular education is one very near to my heart, and I have been an humble but earnest labourer in the cause for 35 years. Thirty years ago I took an active part in the establishment of a school for boys, girls, and infants in one of the populous districts of the metropolis, through which schools I believe up to the present time some 15,000 or 16,000 children have passed. In the year 1845 I had the pleasure of starting a movement in favour of day school education in Wales, which has led to the formation of the first Normal school ever established there, and of many scores, if not hundreds, of day schools in various parts of Wales. After that I had the honour of being honorary secretary of the Voluntary School Society, which established normal schools in London, and largely aided by means of grants of money the maintenance of voluntary schools in various parts of the country. I hope that the House will excuse this little bit of egotism, as I wish it to be understood that I am not an objector to, and an obstructor of, education, but an active worker in that great cause. It would have been a great satisfaction to me if a Bill had been introduced by the Government which would have allowed all of us, without distinction of sect or party, on equal terms cordially to co-operate in promoting the work of national education; but, unhappily, this is a Bill for promoting, not national, but sectarian education. The object of the Bill is obviously, I may say avowedly, to discourage the formation of school boards, and all that more liberal and unsectarian class of schools that spring from school boards, and to strengthen and extend to the utmost possible extent the denominational schools. The speeches of the Vice President of the Council (Viscount Sandon) and of the right hon. Gentleman the Secretary for War (Mr. Gathorne Hardy) left no doubt upon this point, and we may consider, therefore, this was the dominant idea that presided over the preparation of the Bill. And then we must consider the denominational schools and the immense majority they are in. Out of 14,000 parishes outside the boroughs only 1,749 have school boards, leaving 12,000 or more, where, if there be any schools at all, they must be denominational schools.

*Mr. Richard*

And now let us see what you do by this Bill for denominational schools. First of all, you subsidize them largely with pecuniary aid; and you do this in three ways. First, by Clause 12, which says, if any parent is unable to pay a fee of 3d. a-week for his child it may be paid for him by the guardians of the poor. Next, by Clause 13, you provide that in poor districts a grant may be given to the school to the amount of twice the income of the school from every source. And, thirdly, you give power to the local authorities to force all children in the district, whether they be Roman Catholics, or Nonconformists, or Jews, or whatever they may be, into the denominational schools, and thereby add largely to the income of those schools by their pence. But this is not all. Compulsory bye-laws may be expensive in the working, and the cost of this machinery is to be defrayed, not from the income of the schools that are to profit by them, but from the rates;—so that Dissenters and Roman Catholics will be taxed for the machinery that is to fill Church schools by forcing their own children into them. And if any sturdy Dissenter or Roman Catholic upon grounds of conscience refuses to send his child to the school, you give power to the court of summary jurisdiction, which may be the very clergyman who is the manager of the voluntary school, to fine him 5s., and if he persevere in his refusal, to take his child away from home and send it to an industrial school until he is 14 or 16 years of age, and compel the parent to pay for his keep. Now, I object to this Bill on various grounds. I object to it first on account of its thoroughly unconstitutional character. Is it not one of the principles of our administration that public money is not to be handed over to be spent under the direction and at the discretion of persons who are not in any way responsible to the nation? The hon. Gentleman the Member for South Devon (Sir Massey Lopes), in an able speech on the Prisons Bill, made the remark that looking at the subject as a question of principle, he thought that local control ought to be exercised over the expenditure of money raised by local rates. But here there is local taxation in the form of the payment of the fees of the children by the guardians, and in defraying the expenses of the compulsory machinery, without any pre-

tence of local management or local control over expenditure. Then I object to the Bill as tending to check, as much as possible, the growth of that part of our educational system which has about it something of national character. Whatever may be the objections alleged against school boards it will be admitted at least that they have this advantage—that they call in the whole nation without distinction of class, or creed, or condition, unitedly to bear a part in what deserves to be called national work, if ever any work merited that designation. But you take the work out of the hands of the nation in order to consign it to the hands of a sect. I believe there is a provision in the Bill by which localities may still have school boards under this Bill; but then we have the belief that the administration of the Educational Department is hostile to school boards, and the presumption is that it will checkmate the desire expressed by localities for the establishment of school boards. A very singular illustration of the animus that actuates the Department in respect of this point has come lately to my knowledge in connection with the case of Winchester. When, 12 months ago, the town council of that city passed a resolution requesting the Lords of the Committee of Council to make an order for the establishment of a school board in that town, the denominational party called a meeting and petitioned against the board, and the Department listened to them rather than to the town council, and refused the order, and have continued to refuse it to this day. Well, there is another objection which many persons feel very strongly indeed against this Bill, and that is its tendency to throw the education of the people more and more into clerical hands. It is well known that in country parishes the clergyman is virtually the sole manager of the schools, and he moulds and fashions them according to his own will; if in thousands of parishes all the children are thrown into the hands of the local clergymen with no effectual check upon the authority they wield, the influence they exercise will be enormous. Now, this is not purely a Nonconformist objection; there are tens of thousands of working men who object to have their children consigned to clerical hands. I was very much struck by a passage in a

pamphlet by a gentleman who is known to many gentlemen here, I mean Mr. Henry Dunn, formerly secretary to the British and Foreign School Society. He says—

“The religious denominations, however numerous or well organized, do not when combined represent the people of England. Outside of them all may be found a large and growing multitude who, although far from destitute of regard for religion, decidedly object to the education of the country being handed over to ecclesiastical bodies of any kind. They regard such a course as the evasion of a great national duty, and they feel that more than enough has already been done to encourage our abounding sectarianism. Many among the working classes share in these views, and no good reason whatever can be given why the opinions of these men should be altogether disregarded.”

My own conviction is, that to entrust the education of the people to clerical hands will tend to prolong and embitter our religious and social divisions, and to interfere with the unity of our national life. No man can accuse me of having any special prejudice against the clerical profession. The principle I go upon is, that national education should be national work, and therefore should be as free, as broad, and as exempt from sectional influences as the nation itself. This can never be while education is in the hands of the clergy of any denomination whatever. It is a very curious thing that at the very time when by this Bill we propose to enormously extend the power of the clergy in connection with education, in almost every other civilized country of the world, the State—especially the Liberal Party in the State—are showing a disposition to transfer the education of the people from the hands of the clergy to the hands of the State. This is the case in France, Germany, Austria, Italy, Holland, Belgium, Portugal, Switzerland, the United States, and the British Colonies. It is surely not without grave significance for us to find all civilized countries going in that direction, and it ought to be an instruction and a warning to ourselves. There are especial reasons at this time which in the estimation of many intensify their objections to delivering over the children of this country into the hands of the clergy, and that is the character of the teaching of a large and growing section of the clergy. I do not wish to wound the religious susceptibilities of the Members from Ireland.

who may be present, and I hope they will not deem me very intolerant if I express my own strong conviction that the freedom and the greatness of this country are bound up with the maintenance of its Protestant faith. Mr. Burke on one occasion stated that Nonconformity is the Protestantism of the Protestant religion. I have no particular objection to the definition; but if that be so, the House will easily understand what we, as Protestant Dissenters, feel when we see what is going on at this moment in the Church of England. What is now going on? A society has been established on purpose to arrest the progress of the doctrines and practices to which I advert, at the head of which are Lord Shaftesbury and Lord Ebury. In their address they say—

"That the so-called Anglo-Catholics in the Established Church can count on a perfect impunity has lately been evinced by the startling fact that '480 priests' have signed and presented a petition to Convocation in the Province of Canterbury, asking for the selection and licensing of duly qualified confessors. Already the practice of auricular confession is encouraged in a good many churches; public notice is given of the days and hours when the priest will attend to relieve the consciences of penitents; and there is indication of an intense desire to restore the confessional as an essential religious institution. It is notorious that other practices of the same school are spreading rapidly. The Lord's Table gives place to the Altar; the observance of the Lord's Supper is changed into a celebration of Mass; and the blessed Eucharist is reserved as in Roman Catholic churches; prayers are invited for the repose of the dead; and children are being educated (in some degree at the public expense) in familiarity with tenets, hymns, and ceremonies, which are subversive at once of Christ's Gospel and of the English Reformation."

But I can call a witness on this point whose testimony will be of more value than that of any other man in this House—the noble Lord the Vice President of the Council himself. In the year 1874 he made a very able and earnest speech in this House on the Public Worship Regulation Bill, and on that occasion he said there was great danger lest the compact between the Church and State, and which rested upon the maintenance on the part of the Church of the doctrines and usages of the Reformation, should be broken. The noble Lord continued—

"That the danger was real was evident from the reply of the two highest authorities in the land, the Archbishops of Canterbury and York,

who last year, in reply to a memorial presented to them, said—'There can be no doubt that the danger you apprehend of a considerable minority both of clergy and laity among us desiring to subvert the principles of the Reformation is real. . . . We feel justified in appealing to all reasonable men to consider whether the very existence of our national institutions for the maintenance of religion is not imperilled by the evils of which you complain.'"—[3 *Hansard*, ccxxi. 52.]

Then the noble Lord went on to say—

"Could anything be more serious or more alarming than such an acknowledgment and such an appeal from the two much-respected and discreet heads of the Church?"—[*Ibid.*]

Then he proceeded to justify the alarm which he felt in regard to the progress of this party in the Church by quoting some passages from their journals and writings in order to illustrate the extremes to which they went. Among them was the following passage from *The Church Times*, the only one with which I shall trouble the House:—

"We are contending, as our adversaries know full well, for the extirpation of Protestant opinions and practice, not merely within the Church itself, but throughout all England."

I have seen lately in the same paper another passage in which they boast of their rapid progress, and show the great efforts they are making in regard to choral services, public choirs, saints days, dedication festivals, vestments, and floral decorations, and he estimates that the Extreme Right, as he calls them, possess one-fifth of all the working churches of the metropolis, and a good half of the communicants. It is not in the metropolis merely, but this thing is spreading throughout the whole country. How does this bear upon the question before us? Most intimately and vitally, because the noble Lord proposes by means of compulsion to sweep the education of the people of this country into the hands of the clergy, in thousands of parishes, into the hands of the very men, some of whom, at least according to his own admission, and the acknowledgments of the Archbishops of Canterbury and York, are trying to subvert the principles of the Reformation, and are bringing into peril the very existence of our national institutions for the maintenance of religion. I will call another witness on this point, a nobleman held in honour and esteem by all parties in this country. Whatever differences may exist between

any of us and Lord Shaftesbury in regard to ecclesiastical and theological matters, we all honour and reverence him for his unbounded philanthropy and devotion to the interests of humanity. Speaking in May last at the annual meeting of the Church Pastoral Aid Society, he made these remarks—

“I say that notwithstanding the new court of law, Ritualism is more rife and more active and more insolent than ever it was before.”

He goes on to speak of the frequent advocacy of the views of this party in the pulpit, and then he proceeds—

“But there is a darker side of the picture than that. The kind of preaching to which I allude is for the most part addressed to adults, and I believe that the minds of the greater portion of the adults revolt from the doctrines which they are constantly hearing from the pulpit. I feel much greater apprehension in reference to the character of the teaching which is given in many of the schools connected with the Church of England; and I say, without fear of contradiction, that in a large proportion of these schools doctrines are inculcated in the minds of children which must eventuate in full-blown Romanism.”

You need not wonder, therefore, that there are multitudes of persons in this country who look with great alarm on this Bill, because its tendency, whatever its design, is to consign to the hands of the clergy the education of the people of this country.

But I will now come to objections that are especially urged by one class of the community in this country—I mean the Nonconformists; for whom, I am afraid, there is not much sympathy felt in this House, although probably there are few Gentlemen on this side who come from England and Wales, who do not in a great part owe their seats here to the influence and exertions of the Nonconformists. But however distasteful it may be to many here, I must ask the kind attention of the House, for I am speaking on behalf and in the name of many millions of my countrymen, who are, I believe, not the worst part of the population of this country, who are as good citizens, as good subjects, as loyal to the Crown, as faithful to the Constitution, as obedient to the laws, as exemplary in the discharge of all their social and civic duties, as any class of the community whatever, and they are equal sharers in the great work of Christian civilization going on in the midst of us. As I stated on a former occasion, they have built

and maintained at their own cost 28,000 places of worship in which to carry on the spiritual education of the people of this country, together with all the vast machinery—educational, religious, and charitable—connected with these places. The right hon. Gentleman the Secretary of State for War (Mr. Hardy), in the speech he made the other evening, and in a slightly sarcastic spirit as I thought, spoke of the Nonconformists as devoting their money to building chapels and Sunday-schools, and not building day-schools but using those provided by the Church. I may be allowed to say in a parenthesis that if they have used the schools they have had to pay for them; nobody ever heard of the Church offering its education gratuitously. The right hon. Gentleman then proceeded to state that the Church maintained these schools without any unfair influence being exerted on the children sent there. He spoke with entire sincerity, as no one of us can have any doubt, but still he was not entirely accurate. In the first place, it must be observed that popular education in this country began with the Nonconformists. Joseph Lancaster and those that gathered round him were Nonconformists, although in that number was also included many Liberal Churchmen like the Duke of Bedford, and all the House of Russell. The starting of a similar work by the Church, which has since grown to such large and honourable proportions, owing mainly to the noble self-sacrifice of the clergy, which I am never weary of admiring, was due to the jealousy and alarm felt at what the Dissenters were doing. [*A laugh.*] Hon. Gentlemen laugh; I will give them evidence which they will hardly dispute, for I will give them the evidence of Dr. Bell himself, who was the founder of the National School system. Writing to Dr. Barton, chaplain to the Archbishop of Canterbury, under date March 30, 1807, he says—

“It cannot be dissembled that thousands in various parts of the kingdom are drawn from the Church by the superior attention paid to education out of the Church. The tide is setting fast in one direction, and if not speedily stemmed it may run faster and faster.”

Writing again to Mrs. Trimmer, a great light of the Church in those days, and who, so far from trimming, was a most violent and bigoted Churchwoman, he said—



"What you say of preventing the spread of this scheme against the Church (that is the Lancasterian schools) is what some years ago occurred to me, and I then said, what I shall never cease to repeat, that I know of but one way effectually to check these efforts, and it is by able and well-directed efforts of our own hands. A scheme of education patronized by Church and State, originating in Government aid, and superintended by a member of the Establishment, would most effectually promote our views."

This was the germ of the National School Society. No doubt when the members of the Church of England took the matter in hand earnestly, they very far distanced all competitors, and they had every advantage for doing so. They had wealth, and social influence, and the ear of men in power to aid them. While we had to build and maintain our chapels, they had the parish churches at their disposal; while we had to maintain our ministers they had national endowments; so that in many parishes they had nothing to do with their money except to build schools. I am very far from wishing to derogate from the great work they were doing; I am always anxious, in this House and elsewhere, to express my admiration and respect for the great services rendered to the cause of national education by denominational schools; but even then the representation of the right hon. Gentleman the Secretary of State for War is not quite accurate. It is not quite true that we have only been building chapels and Sunday-schools; we have built also a large number of day-schools. In Wales alone we have built between 400 and 500 day-schools. Nor was he more accurate when he said that if Nonconformists sent their children to the Church schools no unfair influence was exerted on their minds. On the contrary, I allege that for many years, until the Conscience Clause was forced upon them, education was steadfastly and systematically employed as an instrument of proselytism. The learning of the Church catechism, and the attendance of children at church on Sunday, were *sine quâ non* conditions in many cases for admission into the Church schools. To such an extent was this carried in Wales that Dr. Thirlwall, when Bishop of St. David's—a high-minded and conscientious man, whose mind revolted against the practice—delivered a very severe rebuke to his clergy on the subject in one of his Charges; and I ask the attention of the

House to the short extract that I am about to read, especially of hon. Gentlemen who say there is no religious difficulty, because they find they are allowed to teach the catechism to the children of various Dissenting bodies without any objection on the part of the parent. Indeed, this is one of the most inexplicable things I know—how high-minded, honourable Christian gentlemen, like those who made this boast, can look upon that as a reason for congratulation. For what does it mean? It means that they rejoice at being permitted to teach little children lies in the name of religion. For look what it is. You take a little Baptist child and teach him to say he has been regenerated in baptism, when he has never been baptized at all. You take the children of Nonconformists, and make them say that their godfathers and godmothers have promised and vowed certain things for them, when they have no godfathers and godmothers at all. When you say there is no religious difficulty, I say there ought to be one—if not on the part of the parents, on the part of the teachers and the clergy, who receive children into their schools and teach them to repeat falsehood in the name of religion. Dr. Thirlwall, referring to a poor man, who in the absence of any other means of education for his child but what is afforded by a national school where the teaching of the Church catechism is enforced, sends it there, says—

"Few, I think, will be disposed to condemn him very severely if he yields to such temptation. But in the eyes of a clergyman who attaches supreme value to a 'definite, objective, and dogmatic faith,' he must appear to be guilty of a breach of the most sacred duty; to be bartering his child's eternal welfare for temporal benefits; to be acting a double part, allowing his child to be taught that which he intends it to unlearn, and to profess that which he hopes it will never believe. Can it be right for a clergyman holding such views to take advantage of the poor man's necessity and weakness for the sake of making a proselyte of the child? Is he not really bribing the father to do wrong, and holding out a strong temptation to duplicity and hypocrisy when he admits the child into his school on such terms? And when he enforces them by instruction which is intended to alienate the children from the father in their religious belief, is he not oppressing the poor and needy? I can understand, though I cannot sympathise with it, the rigidity of conscience which closes the school against Dissenters; but I cannot reconcile it with the laxity of conscience which admits them on such terms."

And I cannot. But I am afraid the

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same spirit is still actively at work, for though I believe that among those who contend for religious education in schools there are many who are perfectly sincere, whose anxiety is genuine, that the children of the people of this country should be brought under Christian influence—and, so far, I cordially sympathise with them—though I think they are mistaken in imagining that can be best done by teaching religion in the day school, nevertheless there are many others who by religious education mean, in fact, ecclesiastical education, and who are much more anxious to make the children good Churchmen than they are to make them good Christians. This is what is said in the monthly paper of the National School Society; and when we read this, need we wonder that Nonconformists should feel jealous at seeing their children pressed and forced into denominational schools?—

“In the present condition of Church schools it is more than ever necessary that they should be made nurseries of Church principles. All that is happening in the matter of education is a call to the Church to put out her strength and do valiant battle for her principles in our schools. Our work, then, is to teach children the facts of our religion, the doctrines of our religion, the duties of our religion. We must teach them the facts of our religion that they may be intelligent Christians, not ignorant as heathens; the doctrines that they may not be Christians also, but Churchmen; the duties that they may not be Churchmen only, but communicants. This last, in fact, is the object at which we are uniformly to aim—the training of the young Christian for full communion with the Church, and, as a preliminary to that, a training for confirmation. The whole school time of a child should gradually lead up to this. They ought to know why they should be Churchmen and not Dissenters; why they should go to Church and not to meeting; why they should be Anglicans and not Romanists.”

But it is said—“You have the Conscience Clause to protect you against this great evil.” My answer is that the clause is a mockery, a delusion, and a snare. It is repeatedly evaded. [“No, no!”] Do you believe the testimony of your own Government Inspectors? They report frequent violations to the Department, though the Department, so far as I know, never punish the schools in which violations take place. In 98 visits of surprise paid by one Inspector he found religious instruction given in violation of the time-table in ten cases. But even when the letter of this clause is observed,

there is no protection against the spirit being broken. A clergyman has twenty ways of selecting out and branding a little Dissenter. He is excluded from the Church feasts and treats, and prizes may be withheld from him. I heard lately of a case where the children at a denominational school were formed into guilds called Church Guilds—among which is one called the Guild of St. Timothy—and one of their rules is never to attend service at any place of worship which does not belong to the Church of England. But I distinctly deny your right to subject a poor man, as a condition of his obtaining education and employment for his child, to such a religious test as this. To withdraw his child from the denominational education is a very conspicuous act for a poor man in a country village, and he will hesitate long before doing it, because he knows very well he will incur the displeasure of the squire or the squire's lady. Yet hon. Members say there is no religious difficulty. There may be none of which you are aware, for if a poor Dissenting labourer has any wrong with regard to the education of his child, a Tory Member of Parliament is not the person to whom he is likely to carry his complaint. He is much more likely to go to his own minister, and then it is always open to hon. Members opposite to dismiss the testimony of a Dissenting minister with a sneer, and say that he has manufactured the grievance. To all this you must add that there is a furious fanatical spirit of ecclesiasticism abroad, which has taken possession of many of the clergy of the Church of England, and which makes them look with a perfect horror and hatred upon Dissent. What can you think of the things which are continually cropping up in all parts of the country? What do you think of this advertisement?—Wanted, at once, £50 to rescue 200 souls from Dissent. When this came to be inquired into it was found that the object was to establish a Church school in order to supplant a Dissenting school in the district. My hon. Friend the Member for Cardigan (Mr. Davies) referred in his speech the other day to a little catechism which he said is used in Wales in Church schools. It is called “A second Catechism for the children of the Church. Issued by the Church Extension Society.” I ask the House to

listen to a few of the questions and answers in this catechism—

"Q. Is there any other reason why you call her Catholic? A. Yes, because she teaches all truth, and lasts through all ages. Q. How is the Church Apostolic? A. Because she was founded by the Apostles, and is governed by those who succeeded them. Q. Who have succeeded them? A. The bishops, priests, and deacons of the Church. Q. Are these three orders of ministry appointed by God? A. Yes, and no true Church is without them. Q. Why cannot we look for salvation out of the Church? A. Because God's promises are only made to His Church. Q. Is it not then very dangerous to leave the Church? A. Yes, and it is also a very grievous sin. Q. What is this sin called? A. A schism or division. Q. Are we warned against this sin in the Bible? A. Yes, St. Paul tells us to mark them which cause divisions, and to avoid them."

["Hear, hear!"] You cheer that, then why did you cause divisions by leaving the Church of Rome?

"Q. What are those who separate from the Church of England commonly called? A. Dissenters. Q. Are there different sorts of Dissenters? A. Yes, Baptists, Independents, Quakers, and many others. Q. Is it wrong to join in the worship of Dissenters? A. Yes; we should only attend places of worship which belong to the Church of England. Q. Why? A. Because it is the branch of the true Church which God has placed in the land."

Some years ago there was at the head of a normal college in North Wales a reverend gentleman—and he is there still, I believe, for I have never heard of his being removed—who used to give to the young men papers for examination which contained such things as these—

"Show that the Sacraments as administered by Dissenters must be mere blasphemous fables and dangerous deceptions. . . . Dissenting ministers, being merely laymen, there is no promise or warrant for supposing that what they do on earth Christ will do in heaven, or that He will be present to bless their ministrations. What inference do you draw?—No bishop, no church. . . . Show that there is a perfect safety in the English Church, and that to leave her for any other Church or any mere sect must be a most fatal error. Puritan doctrine is popular because it is convenient and comfortable. Church principles are not conformed to this world, and therefore the world hates them. Give illustrations. Show from Scripture that a Real Presence is essential to both sacraments. Show that the phrase 'Protestant faith' indicates a ridiculous impossibility."

These are the things which were, and, for aught I know, are still taught in a normal school in which young people are being trained to conduct schools in

*Mr. Richard*

the Principality of Wales, where the overwhelming majority are Nonconformists. But it is not the clergy only of whom we have to complain in this matter. I believe that in various parts of this country there are systematic attempts made to stamp out Nonconformity and Methodism in our rural districts. Landlords refuse to let farms or houses to Nonconformists. Dissenting cottagers, if they open their houses for prayer-meetings or other religious services, are harried out of their homes. Dissenting servants are dismissed, and Dissenting tradesmen lose their custom. I read lately a speech delivered by the President of the Wesleyan Conference, the Rev. Gervaise Smith, and he says—

"To-day there were 2,000 villages in England where there was not perfect religious freedom. He knew instances where wealthy men had been nominated for high civic offices, but because they were Methodists their names had been scratched out. He knew godly men in farming districts who had been driven from their farms because they were Methodists, and he knew men in different parts of the country who, because they were Methodists, had been obliged to close their shops."

Hon. Members opposite ask for instances. Let me give you one or two. Here is the case of a gentleman, a Nonconformist, who saw a house advertised, and applied to the agent. Everything was going on very well until the agent asked him whether he was a Churchman. "No," he said, "I am a Dissenter." "Ah," said the agent, "you had better not apply; you will have no chance of getting it." Here is a letter addressed by a large land agent in London to a gentleman who applied for a farm in the eastern counties—

"Dear Sir,—The rent, exclusive of tithe to be paid by the tenant, is £1,200 a-year, including the 17 cottages; the drainage rates are paid by the landlord. Shooting is reserved, but the tenant may kill rabbits by trapping or ferreting them when they damage him, but we never had a complaint yet from a tenant."

Then there are some other arrangements of the kind described, till we come to this paragraph—

"It is essential that the tenant should be a Churchman, and have £10 an acre of unencumbered capital."

That letter was written to a Nonconformist who had applied for a farm. Here is another letter written when nearly everything was settled—

"In reply to your letter of the 22nd inst., I write to say that before I put any rent upon my house and land I should be glad to know whether you are a member of the Church of England and a supporter of the Church, also if, in the event of my letting it to you, you will be prepared at an election to support the Conservative Party by voting for them, as I should not feel inclined to let the houses to anyone who is not a good Churchman and a known Conservative."

I have no doubt that these persons are very sincere, and that they are acting up to their consciences, but we object to have our children placed in the power of men who keep such ferocious consciences as these. Now, some hon. Gentlemen think it a strange display of bigotry and intolerance on our part that we should not want to see our people taken away from us and placed under such influences as those I have described. But let me ask who these people are whom we have thus collected together? They are not people whom we have lured from the Church. They are people who for generations were neglected by the Church, or whom the Church with its utmost efforts had failed to overtake. When our Nonconformist and Methodist forefathers went in search of these people or of their ancestors, they found them, not in the churches, but in the alehouses, in the cock-pits, in the bull-rings, in wakes and Sunday fairs, lounging and gambling on the village green; in Cornwall, sauntering, grimy and savage, around the mouth of the pits; in Wales, frequenting scenes of profane and sensual revelry, or wandering over the mountains like sheep without a shepherd, no man caring for their souls. They went forth, as they believed themselves bidden to go, into the streets and lanes, highways and hedges, and braving the scorn of the educated classes, and the brutal violence of the mob, by infinite labour of body and travail of soul they contrived by the persuasions of Christian love to compel these men to come into what I and they believe to be the Christian fold. We think it is unfair that efforts should be made to take the children of these people out of our hands in order to deliver them into the hands of persons who use their utmost efforts to pervert them from the faith of their fathers. And yet, because we object to and protest against this, you rain upon us a shower of opprobrious epithets. You call us intolerable, impracticable, and sectarian

—though I contend that it is you who are sectarian and not we—and one gentleman, in despair of finding within the ordinary resources of the English language any term strong enough to express his detestation and disgust for us, felt himself driven to the necessity of coining a new and barbarous word to fling at us; and he says that not only are we intolerant, but that we are "unclubable." Now, with regard to all these charges there underlies an assumption. The simple truth is this—that members of the Church of England have so long enjoyed the privileges of ecclesiastical ascendancy that they have come to take it for granted that their views in all matters of religion, of doctrine, discipline and practice, are the standard of what is right and fitting and proper; and that if any man depart from that standard *ipso facto* he is placed on his defence. Well, for a Reformed Church, built on the principle of private judgment, and not claiming infallibility, this is rather a strong view to take. Still, it is a very natural one, and I do not blame them. I dare say that if I and the Church to which I belong had been placed in the same position of ecclesiastical ascendancy as they have been, we should have fallen into the same error; but still you cannot expect us to admit that. We claim the right to exercise our own private judgment and our conscience in all matters of religion, and with all deference to you we refuse to submit our conscience and our judgment to you. Now, let me call attention to one other point which we consider is a great grievance to the Nonconformists in connection with this Bill, and this is that they will be excluded virtually from all share in the teaching profession. For, observe that in all these denominational schools the teachers must be Church people; and this kind and form of legislation, therefore, practically closes the teaching profession against Nonconformists. Even in regard to board schools and endowed schools, which are supposed to be under the protection of a Liberal legislation, we are exposed constantly to instances of injustice and unfairness. We had the other day, in a *School Board Chronicle*, an advertisement for a mistress for a board school, in which it was stated that she must be a Churchwoman. The Department was appealed to whether it was

legal to require that a master or mistress should belong to a particular denomination, and the answer was that they had no power to interfere. Then there was the case which lately occurred at the Perse Grammar School, where a gentleman who had been educated at the University of Oxford, and was an M.A. of his College, was dismissed from the school by the superior Master on the ground that he was a Nonconformist, and therefore not his social equal. With regard to schools belonging to the Church of England, in any number of the National Society's Magazine advertisements abound, coupling the appointment of master or mistress with rigorous ecclesiastical conditions. Here is one—

"Wanted, a master and mistress for a mixed Government school of 80 to 100, agricultural. Must be good Church people. Master must be certificated, and able to play small organ in Church."

Another says—

"Wanted, a master for a mixed school (certificate provisional or otherwise), salary £30, school pence and Government grant. Good Churchman, able to play harmonium in Church occasionally."

And so we see that in this way the Nonconformists, if there are to be none but denominational schools—and under this Bill it is unlikely that there will be any but denominational schools—are entirely excluded from any share in the teaching profession. Now I come to the Motion of which I have given Notice—

"That, in the opinion of this House, the principle of universal compulsion in education cannot be applied without great injustice, unless provision be made for placing public elementary schools under public management."

The House will see that I proceed upon the assumption that for the State to take powers to compel the children of the people to go to school is a strong measure which cannot be justified unless the State at the same time takes care to provide such schools as shall not trench on the right of conscience and the principles of religious freedom. Now, I am bound to acknowledge that for myself I am not, and never have been, so violently enamoured of universal compulsion as some of my hon. Friends profess to be. I am one of the old-fashioned Liberals who think there may be danger in the State meddling too much in our social and civil life. I dislike compulsion

everywhere, and most of all in connection with religion and education. It would be far better, in my opinion, to persuade than to compel men to send their children to school. When I was in Holland four years ago, I made considerable inquiries into their national system, and I found that this was the plan which was in operation there. The law gives them no compulsory powers, but ladies and gentlemen of influence and of considerable leisure formed themselves into voluntary committees, and visited the habitations of the working classes and of the poor, and by every kind of argument and remonstrance endeavoured to persuade them to send their children to school. If they pleaded that they were not able to pay the fees, and this statement was found to be well founded, there was a voluntary fund to enable the committee to pay the children's fees, and I was told that the result had been, on the whole, extremely satisfactory. And certainly if compulsion were only enforced in the way described by my hon. Friend the Member for Bristol (Mr. Morley), in that very interesting speech which he made the other day, in which he spoke of how it was administered by himself in connection with a board school, it would partake much more of the character of persuasion than compulsion. But it seems that Parliament and the people of this country are determined to have compulsion in some form. Now all I want is, under that extreme power that you are assuming, to protect the children of those who are not members of the particular denomination to which the schools belong, from any wrong being done to them in conscience. No doubt the best way to secure the end I have in view would be to the establishment of universal school boards and board schools, or else to give power to the new authority which you create under this Bill to call such schools into existence where they seem to be rendered necessary by the character of the population. But I am aware, of course, that this is said to be at present impracticable, partly on account of the cost and partly on account of the prejudice which an active and unscrupulous propaganda has contrived to create in the minds of many people against school boards. Well, I do not insist upon that, but I proceed on this principle—that

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denominational schools as they are at present placed, or a large number of them at any rate, cannot, with any show of justice, be regarded as either private or voluntary schools, if by voluntary you mean that they are supported by voluntary contributions. I am told that millions have been raised from private resources in order to establish and maintain these schools; but I can also point to millions that have been lavished upon them out of the public funds. By the last Return I find that these so-called voluntary schools have received grants, between 1859 and 1875, of close upon £14,000,000 of the public money, of which £10,500,000 have gone to Church of England schools. According to the noble Lord the schools are supported in this way—Government grants amount to £1,000,000 a-year, children's pence to another £1,000,000, and the voluntary contributions to over £600,000. There are many schools even now, I believe, up and down the country, which do not require, and do not receive, one penny from voluntary contributions—all the cost is defrayed from the grants and from the children's pence, and under this Bill these schools will be largely multiplied. I ask, is it unreasonable to require that institutions like these, many of which will be altogether supported, and many more of which will be nearly altogether supported, out of public resources, should be placed under some public management—especially at a time when you are taking power to force all the children of the country into these schools? I may be told, but people who make this assertion can hardly be sincere, that they are already in public hands, and responsible to the Department. That is to say, Her Majesty's Inspector pays one formal visit and one informal visit in the course of the year; but that cannot be regarded as any effectual check upon the managers throughout the whole year. But you will ask me, What kind of public management do you ask for? Well, take the machinery provided for by this Bill—namely, town councils and Boards of Guardians. No doubt the Boards of Guardians are in many ways an utterly unsatisfactory authority for educational purposes—their mode of election is one which gives the dominant influence to a class who are not immediately or personally interested in the schools; and I

am afraid that the *ex-officio* element would prove singularly unfair as regards a liberal and unsectarian education. I agree with my right hon. Friend the Member for Bradford (Mr. W. E. Forster) that the want of rural municipalities is one of our greatest administrative defects. But we have none, and therefore I am willing to accept the Boards of Guardians, for they, at any rate, have some sort of representative character. You already give them certain powers under this Bill. I ask you to enlarge their authority, to give them power to see that, so far as the secular instruction is concerned, it is administered at least in accordance with law. The clergy might still retain full power over the building out of school hours. Let some representative authority be appointed who shall secure the parent against the extravagances of Ritualism or the arbitrariness of clerical government. This is surely not an absurd or extravagant demand that I make. I say—"Here you have schools that have ceased to be private or voluntary; they are sustained in great part, and I believe after this Bill passes they will be wholly supported out of public sources, out of Parliamentary grants, and children's pence, and yet you propose to deliver into the hands of these institutions the manipulation of the education of all the children of this country without any check or control whatever upon the expenditure of money that is thus entrusted to them." I am afraid that we got into a wrong groove in this matter from the very first. When the State 40 years ago began to awake to a sense of its duty, or supposed duty, to take care of the education of the people, instead of taking the matter into its own hands, as it ought to have done, it chose to consign it into the hands of certain voluntary societies which it found already in existence; and I believe, with the right hon. Gentleman the Member for the University of London (Mr. Lowe), that the Government did not in any degree discharge its duty by delegating it, not to persons chosen by themselves, but to any number of persons who came forward to found schools. We got into a wrong groove at that time, and we have been getting deeper and deeper into embarrassment ever since. When we reconstructed, in some degree, our system in 1870, I regret that advantage was not taken of that opportunity, without doing

any injustice to voluntary schools—for I would not have them wronged in any way—to lay the foundation, at any rate, of what should be a real system of national education. I contend national education is national work, if any work can be called national; and I desire that Government should undertake to do what they can do of that work without trenching on any man's liberty or violating any man's conscience, looking to it that a good, sound, thoroughly efficient secular education is given in the schools, and then throwing the responsibility, as they have a right to throw it, of the religious instruction upon the churches that claim to be divinely-appointed institutions for the training of the people in religious doctrine and practice. If by this co-operation, all classes of the community could be brought to unite in this blessed work, then we might hope before long to find not only an instructed, but a moral, religious, and Christian population.

MR. E. JENKINS seconded the Amendment of the hon. Member for Merthyr (Mr. Richard). He assured the House that in undertaking to address it upon that question, and particularly from the point of view which he took, in common with his hon. Friend who had just sat down, he felt most acutely the difficulty under which they laboured. They were, unhappily, facing a large and hostile majority in the House, and for that Parliament the ultimate decision of the issue they had raised might be said to be a foregone conclusion. A long discussion had already taken place on the Bill, in which the principles against which they were contending had been practically admitted; and worse than all that for them, there were upon their own side, upon the seats behind them and upon their front benches those who sympathized with some of the objects of the Bill, and who were among the ablest and most determined of their opponents. Therefore, he could not but feel, in rising to address the House, that he laboured under a great disadvantage. It might be true that the principles which were established by the right hon. Gentleman the Member for Bradford, in 1870, were principles which had received the general acceptance of those who had since then held the Government of the country; but he held that to be no reason why at every stage at which it was at-

tempted, either to re-assert or to crystallize the principles that were then laid down, they who disagreed with these principles, holding that they were politically, economically, and educationally bad, unjust, and impolitic, though they might be in a conspicuous minority in Parliament, should not enter their protest against them. It would be admitted that if, in that House, questions were only to be raised when there was a reasonable expectation of bringing these questions to a hopeful issue, then the House might as well adjourn never to meet again. In seconding the Motion, he would speak with great frankness, and possibly he might be obliged to say some things which would not be received with favour on the other side; but he trusted he should be able to avoid saying anything that could wound the susceptibilities of any hon. Member. They were asked by the Government to approve the course which they were about to adopt, and let them ask themselves what was that course? He took it, it was a course that was intended to discourage the right of local supervision over the expenditure of public money. It was a course which was intended—or, at all events, whether it was intended or not—it was calculated to put off for a long period, and further than ever, the creation and maintenance of an efficient and permanent economic system of education. It was intended, or, at all events, it was calculated, and certainly would operate, to perpetuate and enhance an injustice which arose out of a protection and aid given to sectarian interests with public money. It was calculated, whether intended or not, to help to recuperate the decaying vigour of an inequitable Establishment, to confer on improper and incapable persons jurisdiction which they were neither expected nor elected to exercise, to maintain injurious principles of religious supremacy which were at once unjust in themselves and inconsistent with the spirit of the times in which they lived, the teachings of history, and the tendency of modern politics in every free and enlightened country. That was the indictment which he brought against the Bill, and which he thought he should be able to prove. In reading over the Bill many times, it occurred to him that it was a sort of mirror or index of the mind of the Government on more questions than one. It at once disclosed the extent of their

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educational zeal and of their political and religious enthusiasm. Their zeal for religious education was indicated by the single clause in which indirect compulsion was proposed as the remedy for educational difficulties, but their anxiety for the maintenance and spread of true religion, as taught by the Church of England, at the expense of the ratepayers, was evidenced by the rest of the Bill. [" Oh, oh ! " ] Hon. Members might take exception to the statement, but they would see how, in answer to his argument, the Vice President of the Council would be able to dispute this compendious generalization of the true principles of the Bill. It would doubtless be argued that this discussion was unnecessary and inconvenient ; but he would point out that since the debate upon the Amendment of his hon. Friend the Member for Sheffield (Mr. Mundella), some significant circumstances had occurred out-of-doors and in the House which strengthened the ground on which the hon. Member for Merthyr had acted in bringing forward the Motion. In the first place, and on the one side, from every Liberal Body in the country, and from every unestablished religious Body, except the Roman Catholics, disconnected with the Church of England, there had come forth a loud and emphatic protest against the Bill ; while, on the other hand, meetings had been held and resolutions passed, and Amendments had been placed on the Notice Paper of that House, which were of a very significant character, as indicating what were the aims and objects, he did not say of Her Majesty's Government, but of those who were supporting that Government. These Amendments were put forward by the so-called friends of religious education. He did not use the words " so-called " in any sense of detraction ; but because he held it was unfair for them to arrogate to themselves the exclusive right to assume that title. He ventured to claim that there were some of them on that side the House who might also claim to be sincere friends of religious education. A man might be a friend of religion and religious education when he had sufficient faith in it to believe that by its own inherent force, or by the zeal and sacrifices of those who maintained it, it could be carried home to people's hearts without the assistance of money from the public pocket. Yet there

were proposals which had come from hon. Members on the Conservative side of the House, with the too probable approval of the Government, for the insertion in the Bill of clauses which would enforce in all the public elementary schools the teaching of certain creeds and formularies of religion, and which would make such teaching the condition of receiving grants of public money. It seemed a singular thing that, whilst in all other free communities the revolt of human intelligence against the interference of Government in the domain of religious conscience was being maintained, here in England alone, which claimed to be the freest of all free lands, they had a Government which was endeavouring to enforce principles entirely contrary to the principles and feelings of modern progress, and which invited them to perpetuate and enhance an intolerable interference with civil rights and religious liberty. He could not but think that that was a critical period, not only in the history of education, but also in the history of the nation. If this Bill were passed they would have what he could not but feel to be an inequitable, injurious, and mischievous, as well as unpractical system of education. He could not blame hon. Members opposite if they took advantage of their majority for the purpose of maintaining principles which he was sure they conscientiously held, but, at the same time, they (the supporters of the hon. Member for Merthyr) protested and warned them that the system they were about to crystallize and re-inforce must before long be swept away to make room for some system more equitable and practical. In the United States of America, where the diversities of religious sects were certainly not so sharply defined as in other parts of the world, they were now beginning in high quarters to speak of separating secular education given by the State from the religious education which was to be given by the Churches. And if, in a country where the difficulties arising from the establishment of a State religion were not felt, it was found to be practically impossible to work out, with anything like a concurrence of all the citizens, an education based upon some commonly accepted creed, what must it be in this country where all these differences were so sharply defined, where sect looked



sect in the face with hostile aspect, and where, altogether, things were more likely to become worse instead of better in regard to the sharp definition of differences. He would like to see a day when all might agree in some form of religious instruction which might be carried on without risk of interference with the liberties of the subject, when all could, without injustice or heart-burnings, join in teaching their children some of the common principles of their faith; but it seemed to him to be impossible, owing to the spread of intelligence and the activity of modern thought, and, worse than all, the impracticable claims of Pontificalists and Sacerdotalists, that there should even be a common agreement on this subject. It was because they knew this — because they were certain that the system they were seeking to re-inforce would be swept away for its inefficiency, its inequitableness, its incompatibility with modern circumstances and political ideas — that they protested against the attempt to root it more firmly in the soil, and against the further passage of the Bill. They could not but be doing their duty in taking that opportunity of bringing before the country the arguments against and objections to the system inaugurated in 1870, and it was their duty at every stage, at every opportunity, to emphasize the difficulties, the anomalies, the solecisms, the wrongs, the perils of the course now being pursued by the Government. Every day those wrongs were becoming more patent, and though now the Government might be able to carry the Bill, and might suppose they had permanently established its principles, a time would come when defeat would be all the more certain and sure. There was no error in politics or legislation which did not work its own revenge, and the temporary success of a fallacy must only make its ultimate confutation the more disastrous and complete. Before he said a few words on the religious aspect of the Bill he wished to draw the attention of the House to its economical and practical consequences. Regarding it merely from its political aspects, it was a solecism. It proposed to create a distinction between the privileges of parents in different parts of the country. Under the school board or in the town, parents whose children were to be educated had a voice in the selec-

tion of those who were to superintend their education. In country districts the enforcement of education was to be placed in the hands of boards who were utterly irresponsible to the class from which the children were taken, or who were the nominees of a State Department administered in the interests of the Church. That was a re-action against the whole course of modern English policy in relation to domestic government, and there was a danger in the arrangement. The powers of compulsion conferred on school boards had been generally assented to by the working men, because the breadth of the franchise gave them some voice in the creation and management of those bodies. But could the miner or the agricultural labourer be expected to be reconciled to the exercise of arbitrary powers by bodies completely above and foreign to them, in which they had no representative interest whatever? That was a blot on the Bill which nothing could remove; and the violation of principles of national administration and national economy in the present and in antecedent measures were glaring and indefensible. He would like to know in what other cases the Government asked private companies to undertake a duty like this with only occasional inspection, with only occasional checks on expenditure, with no efficiency, with positive carelessness, if not fraud, in the mode of spending the public money, and with manifest favouritism to one particular denomination? His charges against the denominational system were simple and straightforward. They were based upon Reports and Returns which had been presented to the House, and he could furnish the proofs in detail if required. He said the standard of education results under the denominational system were not only inferior to the education given in the board schools, but utterly ineffective to meet the just aims and expectations of a great national system of education. The standard and results, such as they were, were attained at an unnecessary cost, and this cost was increasing. Over £1,000,000 was being paid to what he might call private-contract schools, whilst the sum paid to board schools was only £75,130; and, more significant than all, out of 2,500,000 who ought to be at school, and out of the 1,000,000 and over who were supposed to attend school, only 508,000,

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as consistency, and hon. Members opposite had not altogether lost their liking for consistency. But what was the consistency of a Party who refused to abolish church rates in Scotland and consented to abolish them here? What would be the principles of a party who would force other people to send children to a school where those eternal principles were taught which they disbelieved? Logic and justice were equally disregarded, and it was a gentle euphemism to call their tactics by the term "inconsistent." There was one question which he would venture to ask hon. Gentlemen opposite, and which he would ask them carefully to put to their consciences. He would ask them whether, supposing that to-morrow every Church school in England was to become a Roman Catholic school, with a Roman Catholic teacher, under the management of a Roman Catholic priest, even with a Conscience Clause, they would vote for that Bill? He thought they would not; but if they did not, where was their consistency? He could imagine the right hon. Gentleman at the head of the Government, when he went into the Division Lobby, as he would to-day, assisted by hon. Friends from Ireland who were in favour of denominational education, and he could fancy him slipping his arm into that of the hon. Member for Louth and saying—"My dear Sullivan, you have assisted us this year in passing this Bill; and now we will bring in a Bill next year to give to Ireland that which you have asked for—denominational education." The House knew that was an impossibility. Yet how could they justly deny to Ireland what they were taking for England? If the Bill passed, as he hoped it would not do, he, as a true Liberal, should feel obliged to give to Ireland what England had got for herself. He had not said anything at which hon. Gentlemen opposite could be justly offended, and he hoped no hon. Gentlemen would get up and throw at him, or the Party about him, the taunt that they on that side were associating themselves with socialists and infidels—that they did not desire State education, but were mere sectarian bigots. They threw back the taunt, and he would say with diffidence, but with truth, that with regard to the dogmas of the Church of England, that many of those

on his side of the House who acted with him held as intelligent an appreciation of them as many on the opposite side, who were most loud in their vindication of Church privileges. He could enjoy the ritual of the Church of England; he could enter with profit and pleasure into her communion; his child lay in an Anglican churchyard, laid there of his own will, and interred by an Anglican minister, with the beautiful Service of that Church. It could not therefore be said that those on his side of the House who were opposing this measure were animated by sectarian bigotry; but he must enter his protest against passing that Bill, because he believed it was inconsistent with the best interests of religion and inconsistent with the principles of civil and religious liberty.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the principle of universal compulsion in Education cannot be applied without great injustice, unless provision be made for placing public Elementary Schools under public management,"—(*Mr. Richard*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. J. G. HUBBARD said, that differences of opinion on religion, politics, and on social questions, would, no doubt, always prevail in the country, and would find expression in that House; and he thought it indicated a wholesome state of society that they should be debated, even although it was done with vehemence. But, at the same time, it was fair to ask that, in this great chamber of Legislature, where time was of so much value, those who contravened any argument should understand the principles of the Party opposed to them, and that they should, at all events, use a common language. If the builders of the Tower of Babel had met together after the confusion of tongues to discuss any subject, they would not have made much progress, nor could hon. Members conduct their discussions properly unless they used words which bore the same ordinary meaning. He maintained that the speech of the hon. Mover and Seconder of the Amendment,

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and all the utterances of the Liberation Society, the Birmingham League, and other like societies, showed an utter ignorance of the principles of their opponents and a complete disregard of the common English language. Almost every remark of the two hon. Gentlemen opposite showed that they did not understand what Church principles were, and he would therefore state them. The one great principle they held in the foreground was that of religious liberty, accompanied by parental authority as involved in personal freedom. As to the definition of words, it would really be convenient if those hon. Gentlemen would have recourse occasionally to *Johnson's Dictionary*. They talked of religious liberty when they meant religious equality, which were two distinct things. Religious liberty Churchmen absolutely accepted, as they did also religious equality so far as it implied the equality of individuals before the law; but the supporters of the present proposal when they used the latter term meant the equality of all religions before the law, and this was impossible, because it was at variance with the Constitution of the country. The Sovereignty of England was connected by many statutes with the English Church, and they could not be separated. Again, the hon. Member for Merthyr (Mr. Richard) spoke of the Church of England as "sectarian," and an agglomeration of all sorts of Nonconformists as "unsectarian;" but if he referred to *Johnson's Dictionary* he would find that a sectarian was a person separated from the Established Church. He probably by sectarianism meant bigotry and intolerance; but then he should say what he meant. He (Mr. Hubbard) maintained that the Church of England was the most unsectarian of all religious communities. He admitted, however, that the religion professed and the education imparted by the Church of England were dogmatic and denominational. The Church was Christian in its origin, Catholic in its creed, and Anglican in its nationality. There was, in fact, no such thing as undogmatic religion, for no one could repeat the first sentence of the Lord's Prayer without enunciating a dogma. He held religion to be the very essence of education, and believed there could be no such thing as education in its true sense without a religious basis. The three R's

should be combined with religion, and education, not with three R's but with four, would be better worthy of its name. Though he lamented the change of policy introduced in 1870, he did not quarrel with it; but he asked that the Legislature should, at all events, not obstruct religious education. He (Mr. Hubbard) deeply regretted that no formula or creed should be used in board schools. The great evil of their exclusion was that it had led to so much misapprehension. The Catechism was a part of the Prayer Book, and the Prayer Book was a part of the law of the land, and every child brought to baptism was required by the law to learn the Church Catechism. It was a serious grievance to Churchmen that school boards were restrained from teaching the Church Catechism, were they ever so much inclined. The system of excluding all religious teaching from the school and by the schoolmaster had been tried in Birmingham; but he believed it was an entire failure, and, in any case, it was not one which would find favour with the English people. Then a hope had been held out that we should in time arrive at some system of religious teaching which should satisfy everybody. Some years ago, when Japan was turning over a new leaf and reforming everything, a committee was appointed by the Japanese Government with special instructions to contrive a religion which should satisfy everybody. He had not yet heard that the committee had reported; but until some such religion was discovered, he ventured to say that we must be satisfied to tolerate the co-existence of various and even differing religions, and allow them to influence the education provided by different denominations. Religion was an indispensable element in education, and no education could be really national unless religion was blended with it. Moreover, we must be satisfied that the religion taught in the schools came from the heart as well as from the lips of the teachers. The right hon. Gentleman (Mr. Gladstone) in discussing Clause 14 of the Elementary Education Bill, the principle of which he accepted, strongly deprecated the notion that the effect of the clause was to bind the tongues and fetter the convictions of the teachers in the board schools. The right hon. Gentleman said it never was intended to have that effect, and it ought not to have it.

Unfortunately, however, it was obvious from a recent voluminous Return that the effect of the clause had been to create a general feeling throughout the country that Parliament intended to suppress anything like doctrinal teaching in the board schools, and the result was that, in supposed obedience to the law, religious teaching in these schools was often of the most meagre and unsatisfactory character. In this respect the board schools were under a serious disadvantage, and the hon. Members for Merthyr and Dundee should remedy those evils before asking Parliament to accept with open arms the extension of the board-school system throughout the country. Then, again, it had been said, with regard to State aid, that to make any grant whatever was an endowment of the school, whether of the Church or of any religious Body which received it, out of the funds contributed by the whole community. There was some truth in that view, for he had pointed out long ago that, having abolished church rates because they were expended without reference to the religious views of all those who were liable to pay them, they were re-applying that principle to education, and that the same difficulty would arise in an intensified degree and over a larger area. So long, however, as the present system existed, let the voluntary schools have fair play. School rates were raised from all religious denominations throughout the country; and upon what principle were Churchmen, who were three-fourths of the whole population, and therefore contributed three-fourths of the whole taxation, to be excluded from their fair share of the rates raised for the purpose of education? The rates were often now applied in a way which did not give them satisfaction. They were of opinion that board schools in which there was no religious teaching, as in Birmingham, were not a justifiable use of the rates. It was said that religious teaching in board schools could not be made satisfactory to everybody. He was willing, however, to leave a great deal to the teachers, and he thought Clause 14 in the Elementary Education Act should be so amended as to remove the serious misapprehension which now existed respecting its purport, and to make the teachers understand, in the words of the right hon. Gentleman opposite (Mr.

Gladstone), that they might freely exercise their own religious instincts and convictions in teaching from the Bible according to the children's capacity. Meanwhile, the attempt to deprive denominational schools of any grant was utterly inconsistent with the principles of religious freedom. "Exclusive dealing" was the only term applicable to the course recommended by the hon. Member for Merthyr. The hon. Member wanted to apply the principle of exclusive dealing to the conductors of voluntary schools, whether Church of England, Wesleyan, or Roman Catholic. What the State said was practically this—"The law requires the education of all children, and the State engages to contribute a portion of the cost, defined and limited by the results attained in secular knowledge." That hon. Gentlemen should decline to allow such a contribution to be made to schools of a denominational character was to advocate "exclusive dealing," a principle destructive of all social peace and all social liberty. Whatever the board schools spent they recouped themselves out of the rates. Consequently they could not incur loss or deficiency; but, on the other hand, the denominational schools had to make great individual efforts and pecuniary sacrifices. The clergy of the Church of England were entitled to the highest praise and gratitude for the liberality with which they had kept their schools alive out of their slender means. He did not see why, because such efforts had been made, these meritorious managers should be further punished by being rated for the maintenance of schools which were their rivals. It was said in Birmingham—"Let all your schools be secular schools, and there will be no difficulty at all." He ventured to assert that the people of England never would assent to such a proposition. The people of England were thoroughly religious, and religious in the wise sense of seeing that all the complaints against dogmatic teaching were nonsense. The British and Foreign Schools of Joseph Lancaster had been held up to their admiration as the pioneers of education. He admitted the merits of Lancaster, and his memory should be venerated; but what was the difference between the systems of the British and Foreign School Society and the National Society? It was that while the latter was distinctly dog-

*Mr. J. G. Hubbard*

matic, the former was not. But the National Society had received seven times more children into its schools than the British and Foreign School Society. Either the Birmingham League or the Liberation Society issued a strong recommendation to the effect that, wherever the British and Foreign School Society had an opportunity of making a deficiency in the school accommodation of a parish they should shut their schools, so that board schools might be there established; and they did so. But in some cases where that proceeding had not the effect of closing the denominational schools they came again to the Department, and asked to be allowed to re-open their schools on the same terms as before. The hon. Member for Berkshire (Mr. Walter), in an admirable speech he made a week or ten days ago, told the House how he had been applied to for a subscription to a Wesleyan school in his own neighbourhood, and had given it, as the hon. Gentleman, with his usual generosity, was sure to do. He asked upon what system the school was to be conducted. The answer was—"Our school is to be conducted as a public elementary school under the rule of the Wesleyan Conference, and it will be conducted by myself, a Wesleyan minister, and my assistants. But beyond that there will be nothing denominational about it." He confessed he admired the resolution of these people; they took the very course which the hon. Gentleman opposite would proscribe. The child was to be instructed in his religion in the school, and he would be further instructed in his religion in the chapel. As the child was, so would be the man. The people of England differed in their religious convictions, but in those convictions they were in earnest. The Wesleyans would have their schools. Sir James Kay-Shuttleworth, the father of the hon. Member for Hastings, presided lately at a tea meeting at a Wesleyan school—for the Wesleyans were very fond of tea—and in the course of his remarks he said—

"I am charmed to find that you have determined to connect the school with your own chapel in this parish. You are taking the right course. These schools should in every instance be adjuncts to the chapel."

He entirely concurred in that sentiment. He utterly disbelieved in the figment of a religion which was to satisfy everybody.

With reference to the Motion of the hon. Member for Merthyr, it was impossible for him to accept it. He was not prepared to Americanize our institutions. In the United States they had attempted to carry out the Common School system, striking out everything like religious instruction. Under that system of irreligious instruction a generation was growing up which was a curse to their parents, to society, and to themselves. It was only necessary to look at the picture of New York as drawn in *The Times* to see how demoralization had spread from the highest to the lowest, and all arising from their unfortunate departure from the true principles of education. He wished to preserve the institutions of which we were proud. If they could not entertain the same views on every subject, still they might have unity in this—that they were willing to extend to every man entire religious liberty, entire personal freedom, and treat with forbearance any expression of opinion by those who differed from them on this very vital question. He entirely dissented from the proposition of the hon. Member for Merthyr.

Mr. A. M'ARTHUR said, the Education Act of 1870 would have pleased him much better if it had been more national and less denominational in its provisions. Yet he advocated the policy of endeavouring not to injure or retard denominational schools, already existing, unless where they were condemned as inefficient. But not to injure or retard denominational schools, and to still further encourage, assist, and endeavour to increase and perpetuate them, were very different courses of action, and the latter course appeared to him to be the direct tendency, if not the direct design, of the Bill. The eloquent speech of the right hon. Gentleman the Minister for War would have dispelled any doubt on the question, and it determined several Opposition Members to vote against the Bill. School boards, notwithstanding the determined opposition they had encountered, had been almost universally successful where they had been established, and had not only succeeded in getting hundreds of thousands of once utterly neglected children into their own schools, but had also largely increased the attendance at denominational schools. Nor was he prepared to admit that the cost had been extravagant, whatever

might be urged to the contrary; indeed, when they remembered the expensive sites that had to be purchased, frequently under compulsion; that school-houses had to be erected during a period when both labour and material were unusually high; and that the whole of the machinery for efficient school-board work had to be created, the wonder was that a larger expenditure had not been incurred. But, even if the cost were greater than it actually had been, he believed that it would have represented a wise, judicious, and, in the end, an economical expenditure of public money; and, considering that school boards had not yet been six years in existence, they might well be astonished at, and thankful for, the marked progress they had made and the work they had accomplished. He believed the School Board for London, of which he was once a member, had not erected a single school which was not proved by statistics to be required, and which was not sanctioned by the Education Department; and he thought it would be admitted that, in a rapidly-increasing town like Leicester, the accommodation provided was by no means excessive, and would, in a short time, be found insufficient. It would, therefore, be a penny-wise and pound-foolish policy not to make some allowance for the rapid increase that was going on. To judge merely by average attendances at schools was very fallacious. The attendance was much larger at some times than at others, just as it was at churches and other places. An outbreak of measles or scarlatina, the hop-picking season, or some interruption of that kind, would make a serious difference. For an average attendance of 300 children the Education Department held that 400 places should be provided, and the school boards were compelled by the Act to make such provision. Then, with regard to the greater amount of grant earned in voluntary schools, comparisons of that kind, as every one who studied the question must admit, were useless and unfair. The noble Lord the Member for Westmeath (Lord Robert Montagu) had informed the House that in Non-conformist schools—including, it was presumed, British and Wesleyan schools—the amount earned was 13s. 0½d.; in Roman Catholic schools, 12s. 10½d.; in Church schools, 12s. 8½d.; and in board schools, 11s. 5½d. But they must not

lose sight of the fact that denominational school children had been in regular attendance, and were of a higher class than board-school children were. Many of the latter had been street Arabs, or gutter children, who, when gathered into schools, were utterly ignorant, undisciplined, and difficult to control or manage; therefore, to compare them with children of denominational schools who had had vastly superior advantages both at home and at school was very unfair, and was useless for the purpose the House had in view. There was another fact deserving of notice: the noble Lord had told the truth, but not the whole truth. The fact was that, taking the last year but one, ending the 31st of August, 1874, the grant earned in board schools in London was only 6s. 3d. per head, whereas in the following year, ending the 31st of August, 1875, it had risen to 10s. 11½d., thus showing a rapid and very gratifying improvement. He might add that the certainty of school-board children not being able to secure much of the Government grant was clearly perceived by many voluntary school managers and masters, and that after the formation of the School Board for London, when the Board had no schools of their own, they did their utmost to force the children into denominational schools, and to fill the vacant places of which so much had been said. But the Board soon discovered that they were engaged in a very difficult and thankless task, and that there was the greatest reluctance on the part of the voluntary schools to receive such children, partly because they feared that some parents of the better class might object to their children being associated with street Arabs, and, perhaps, still more, because those voluntary schools foresaw that the introduction of such children would lower the standard of the school and reduce the average amount of the grant to be received. In order to avoid this, the school fees were raised, in some instances nearly doubled, and all sorts of objections were made with a view to the exclusion of these "gutter children." And now what had been clearly foreseen and carefully guarded against was brought forward as an argument to show the inferiority of board schools. The greater cost of board schools in London might also be accounted for by

the fact that the balance-sheets in the first year of their existence contained no Government grant, and that all the temporary schools, having to be provided with furniture, books, and apparatus, paid for out of the current account, were much more costly than the permanent schools. But the net cost was diminishing half-year by half-year, as children were induced to pay better fees and as the Government grant became higher. If this Bill passed in its present form it would render the future extension of school boards difficult, if not impossible, and would still further promote the interests of denominational schools; indeed, it would enable many of these schools to be altogether independent of any voluntary aid. Some of them were so at present, and he had heard of instances in which a surplus was secured. It would also enable rate-supported schools in many rural districts to become as sectarian and as denominational as any schools were at present. He believed unfair means had been adopted in many instances to prevent the establishment of school boards; that the Conscience Clause had not always been faithfully acted upon; and that in some cases the law had been broken, or, while its letter had been kept, its spirit had been, he was going to say, shamefully violated. At first the policy was to endeavour to prevent the establishment of school boards, where it was possible to do so; but latterly a different and more objectionable policy had been adopted. Great efforts had been made and undue influences used to obtain a board even in places where ample school accommodation already existed, but where a sufficient number of managers favourable to denominational teaching could be secured. Denominational schools were then let to the board, the hour from 9 to 10 in the morning being reserved by the former managers for any Catechism to be taught or any religious instruction to be given. The schools were, therefore, just as denominational as they had been before, with this important addition—that the protection of the Conscience Clause could be dispensed with, and the schools were supported by the rates. Remonstrances to the Education Department only produced the reply that the law had not been broken. He disapproved of the proposal to substitute Town Councils and Boards of Guardians

for school boards, because whatever might be the case with Town Councils, the farmers, as a class, cared very little about education, and were very little disposed to tax themselves for this purpose. Having quoted the remarks made on the education of the children of agricultural labourers by farmers at a meeting at Guildford, the hon. Member said he pitied the poor children who were dependent upon such Guardians for their education. Another objection to giving this power to Guardians and Town Councillors was that some of the school boards had working-men upon them, who were not the least valuable of the members. Town Councils and Boards of Guardians were, however, elected upon a property qualification, and therefore working-men, whose presence upon school boards was a satisfaction to the working classes, would be excluded from these bodies. The noble Lord opposite (Viscount Sandon) had rendered valuable services to the London School Board while a member of it, and he was the last man to whom improper motives could be attributed. But whatever might have been the intention of the framers of this Bill its effect would be to encourage and perpetuate denominational schools, and it would not, therefore, meet the necessities of the case or do the best that might have been done for the children of this country. Before sitting down he wished to refer to the warm and indignant reply of the hon. Member for Berkshire (Mr. Walter) which had been called forth by some observations which had fallen from the hon. Member for Birmingham (Mr. Dixon). The hon. Member for Berkshire had deprecated the introduction of the religious element into this question, and had said he had read with great regret a certain document containing a remonstrance against the Bill. He (Mr. M'Arthur) heard the speech of the hon. Member for Berkshire with great regret, because he felt that it must elicit an answer, and that it would have been wiser not to agitate such a question, if it could have been avoided. The hon. Member had mentioned a case to show that there was really no religious difficulty, and had asserted that these remonstrances were got up for Party and political purposes. For his part, he must protest against such an imputation, and he could safely protest against it also on behalf of many

friends throughout the country with whom he was acquainted. He had no unfriendly feeling towards the Church of England, or any other denomination in the country. There were many Church of England clergymen whom it had been his pleasure and his privilege to know, and with whom he was still associated in various ways. They were men for whom he entertained the greatest respect and esteem. There were many whose ministry he would just as soon attend as that of the Church to which he belonged; many whose instruction he would be equally willing that his children should receive; but he was bound also to say that there were many denominational schools where the instruction given was of a character which he should be sorry for any child of his own, or any over whom he had any control, to receive. The hon. Member had also spoken of intolerance on the part of Nonconformists towards Churchmen in this matter, and said that he had never felt the same intolerance in dealing with them. He fully believed that statement of the hon. Member, and it would be well for the Church if many others would imitate the hon. Member's example. But the hon. Member had also remarked that while Nonconformists were ready to discover points of difference when the question was one of sending children to school, they ought to be a little more consistent than they were when they asked for the help of Churchmen to build their own schools. The hon. Member had then read a letter which he had received from a Wesleyan minister, acknowledging a subscription which the hon. Member had generously given. He (Mr. M'Arthur) hoped the hon. Member did not imagine that such applications came from Nonconformists only. Many Nonconformists received similar applications for help to build schools from Churchmen; sometimes, too, from clergymen or curates, who were so overworked and so underpaid that, unless they had some private means of their own, they found it difficult, if not impossible, to educate their children, to dress respectably, or to live in moderate comfort. When such cases were known to be genuine and deserving they were avourably responded to according to the means of the donors; and that was only as it ought to be, and he did not say there was any particular credit to be

attached to any party for it. But as the hon. Member had read a letter, perhaps he also might be permitted to read one, though of a different character, on the subject. It had been written some time in May last, and had probably been sent to a large number of persons. The name of the writer was given, but he had, perhaps, better omit it. It was as follows:—

“Lower Norwood, May, 1876.

“We are very anxious to secure £1,000 before Michaelmas to enable us to begin a mission in a large and poor population sunk in infidelity and Dissent here. Will you kindly send at least £1 towards this work, which has the sanction of our diocesan.”

This appeal was addressed by the clergyman to a well-known Manchester merchant who was the deacon of an Independent church, and whose son replied to it that if he had known his father personally he presumed he would not have addressed him in terms implying that the members of the religious communion to which he belonged were to be classed with infidels. He would not, however, trouble the House with the whole correspondence. Perhaps also he might refer to a catechism published by a reverend vicar in Essex for the use of families and schools, in which the children were taught that the various sects and denominations which came under the head of Dissenters must be regarded as heretics who worshipped God according to their own evil and corrupt imaginations, and not according to His revealed will, and that their worship was in direct opposition to God. He did not think that teaching of that kind was very well calculated to promote friendly feelings between Nonconformists and Churchmen in that House, and when the charge of intolerance was bandied in that way, it must be evident to the House that if there was intolerance it was not to be found all on one side of the House. But they were told that the Conscience Clause would protect the child and prevent any unfair advantage from being taken. He was perfectly willing to admit that the Conscience Clause was frequently fairly acted upon; but he was equally certain that very frequently it was the reverse, and that the law was, if not broken, at all events evaded. They all knew that almost every week brought to light some case in which this was illustrated—some case like that referred to by his hon.

*Mr. A. M'Arthur*



Friend the Member for Merthyr, which roused the just indignation and contempt of every lover of fair play and civil and religious liberty in this land. They disapproved of caste in India, and were endeavouring to break it down, because they believed it to be injurious to commerce, civilization, and Christianity; but if they might judge from the correspondence which had taken place in the Perse case, no Brahmin in India ever clung with greater tenacity to his caste than the rev. gentleman at Cambridge who had gained an unenviable notoriety was disposed to cling to his, and avoid every Dissenting Pariah. Yet with all these things staring them in the face, they were told that there was no religious difficulty. How any hon. Member could say so, he could not understand. He maintained there was a religious difficulty, one for which Nonconformists were not responsible, but which at the same time pressed very heavily on many of them. He believed that the character maintained in former days by the Established Church of this country, of being the great bulwark of Protestant Christianity in this land, could not be sustained by, at all events, a considerable section of her ministers and people during the present day, and on that point he might also be permitted to give some little illustration. Reference was made by his hon. Friend the Member for Merthyr to the catechism published by the Church Extension Association. He was not going to detain the House by reading extracts from it, but he would just say that that catechism inculcated the doctrines of baptismal regeneration and priestly absolution for both original and actual sin. It also taught that they need not look for salvation out of the Church; the infallibility of the Church's teaching; the Real Presence in the Sacrament of the Eucharist; prayers for the dead, and the necessity of auricular confession and absolution. It was men who held and taught such doctrines that caused a great deal of the unpleasant feeling and the religious difficulty. Hon. Gentlemen opposite professed to be very zealous for Protestantism, and he hoped that they would show that they were indignant when they heard of such doctrines as those he had referred to. Perhaps he might be allowed to quote the opinion of a highly respectable Bishop of the

Church of England on the subject. The Bishop of Sydney was in this country a few years ago, and after returning to the colony, and when addressing the Church Society, composed of his own clergy and the Church members, he said that the Church of England's disregard of all solemn obligation did appear to him inexplicable. Her adoption of Roman phraseology and practices and power of sympathy with Romanism and contempt of the Reformation were totally inconsistent, as it appeared to him, with an honest adherence to the Church of England. He (Mr. M'Arthur) repeated that it was not surprising that the Nonconformists in this country should object to send their children to schools where such doctrines were taught and such principles inculcated. He would also commend to the consideration of the House the concluding paragraphs of the Rev. Henry Bowden's letter in *The Times* on Friday last. He could understand and respect those who from conscientious conviction went over to the Roman Catholic Church, or any other Church, but it was difficult to understand the honour or honesty of men who, while professing themselves to be clergymen of the Established Church and eating her bread, were sapping her foundations, leading astray her youth from the principles in which they were brought up, and betraying the trust reposed in them. He trusted that this, at all events, would be some excuse for the opposition that was offered to this Bill, and that while such a state of things continued to exist, there must and there ought to be a religious difficulty, and nothing short of one school board or undenominational school in every district would satisfy the reasonable demand of Nonconformists in this country.

Mr. GREENE said, the Motion submitted to the House by the hon. Member for Merthyr (Mr. Richard) was one he (Mr. Greene) entirely objected to, as being in favour of secular education, and the hon. Member for Leicester (Mr. M'Arthur), in supporting it, had alluded to many unhappy circumstances that had occurred to some few members of the Church of England. In so large a body it was to be expected that some would not act wisely or prudently, and he deprecated the teaching of such men. He would point out that the minds of

children were not capable of understanding abstruse religious doctrine, and he would rather incur the risk, such as it was, of some error being taught than see religious education abolished in our schools. The question before the House was whether the children of this country should be taught religiously or not, and it was idle to ask hon. Members on that side of the House, who had been returned by those who held different views from the hon. Member for Merthyr, to support the proposition he had brought before them. Religious teaching had always gone hand in hand with education, and he wished to see it continued. An attempt was made to cast a slur on the education given in the agricultural districts; but he would remind the House that the clergy and country gentlemen were the pioneers of education when it found no favour with the cotton spinner or the ironmaster. It was, therefore, late in the day to find fault with an organization that had done so much good. He, for one, felt grateful to the Wesleyans, Independents, and Baptists, for being fellow-workers in the cause of education with Churchmen, and he believed the day was not far distant when they would agree on some principle of religious teaching which would once for all clear away that religious difficulty of which they had heard so much. He hoped, therefore, that they would not spend more time over Motions of that kind, but would go into Committee and endeavour to make the Bill as perfect as possible. He believed the measure was in the main acceptable to the country generally, and that if passed it would do more to forward education than any attempt by direct compulsion to force all the children into the schools. He thought all must give the noble Lord the Vice President of the Council credit for having endeavoured to produce a workable Bill; but he (Mr. Greene) confessed he was not surprised that Nonconformists should feel as they did when they saw such letters as had been quoted from *The Times* of Saturday, and when they knew that there were churches in which such ceremonies as were not in accordance with the principles of the Church of England were performed. But he believed they had power to put that down, and that it would soon become entirely a thing of the past. Certainly, if he believed it was the teaching

of the Church of England he would not remain a member of that Church for a single day. But feeling confident that that was not her teaching, he gave the Bill his cordial support.

MR. MORLEY said, the principle affirmed in the Amendment was, that there should be protection for Nonconformist parents who might object to the teaching of Church schools, and he should be thankful to see a disposition on the part of Churchmen to meet them in this matter. He was no advocate for the exclusion of the Bible from the schools, nor of a sectarian system of teaching. The people, he thought, had settled that question. He did not believe that of our large population there was more than a fractional part favourable to the extension of exclusively secular education. [An hon. MEMBER: What about Birmingham?] Birmingham was a striking exception, and he was rather surprised at that town accepting the system adopted by its board. But he was prepared to say, with some slight knowledge of the opinions of working men, that while amidst the conflicts of sects they got sick of the controversy on religious teaching, there was no objection on their part to the honest, fair, and simple use of the Bible in schools by teachers who would not prostitute their opportunities in order to enforce denominational education. He had an extract from the National Society's monthly organ for February, 1872, which threw some light on the directions given by the National Society to their teachers. It said—

"There is need now more than ever that our teachers should be more thoroughly fitted for the religious side of their work; they should not only be religious people, but sound Church people. Is it too much to hope that the Church will furnish an abundant supply of devout young people who will give themselves earnestly to the work of school teaching in the belief that there is no more effective way of benefiting their fellow-creatures than by giving them a sound education in the theology of the Church of England."

Again, in August, 1872—

"In the present condition of Church schools it is more than ever necessary that they should be made the nurseries of Church principles. This is the object at which we should aim—the training of the young Christian for full communion, and, as a preliminary to that, a training for confirmation. The whole school time of a child should lead up to this."

*Mr. Greene*

This language, when addressed to Church schools in the City of London, where we had abundance of schools for the people to choose from, and where the children attending the school were connected with the Church, might be very natural; but in the country villages, where the poor were to be subjected for the first time to a special system of compulsion, we had a right to ask for protection for them from such training. The parent, who was exposed to that training, and who conscientiously objected to it, should have the right of appeal, not to the Committee of Council on Education, or by deputation to the Lord President, but to some local power which could interpose and effectually protect him in the training of his children. He had not the slightest doubt that in many of our villages the Conscience Clause was a dead letter. He deliberately expressed the opinion that people dared not expose themselves to the fear of social consequences if, in a small village, they availed themselves of the Conscience Clause and withdrew their children from religious teaching. He knew a village where, out of 135 who attended the National School, upwards of 100 withdrew from the teaching of the Catechism; but that was because it had been made clear to them that they were at liberty to do it, and that no consequences could possibly ensue by their taking such a course. Reference had been made to the religious teaching in the board schools of London. That teaching was based on a resolution moved by the right hon. Gentleman the Secretary to the Treasury (Mr. W. H. Smith), seconded by himself (Mr. Morley), and adopted almost unanimously, and was now in operation. The resolution was as follows:—

“That in the schools provided by the Board the Bible shall be read, and there shall be given such explanations and such instruction therefrom in the principles of morality and religion as are suited to the capacities of children, provided always—

“1. That in such explanations and instruction the provisions of the Act in Sections 7 and 14 be strictly observed, both in letter and spirit, and that no attempt be made in any such schools to attach children to any particular denomination.

“2. That in regard of any particular school the Board shall consider and determine upon any application by managers, parents, or ratepayers of the district who may show special cause for the exception of the school from the operation of this resolution, in whole or in part.”

Upon the character of the teaching in the schools, he asked permission to read a few lines from the Inspector's (Mr. Noble's) Report—

“Since the adoption of the regulation fixing the time at which the Bible should be read and explained, I have observed considerable uniformity in the mode in which teachers have acted upon their instructions. A chapter is read either by the head teacher, or the children in the upper class of the school, and then such ‘explanation and instruction’ are given as are ‘suited to the capacities of the scholars.’ This instruction is in no way less reverentially imparted than in voluntary schools, and I have observed no desire on the part of a teacher in any instance to shirk this essential part of his duty. It is but just to say of all our teachers, that they seem to be fully impressed with the importance of this part of their work, and, at the same time, are anxious to avoid the violation of the Board regulations and the Act of Parliament by giving this teaching a denominational colour. In infants' schools, exactly the same practice is followed as in denominational schools; the teacher selects a text of Scripture, which she explains and illustrates in a manner that the children can understand.”

On this subject of religious teaching in schools and the desirability of concession, he would refer to a letter he had received a few days before from a clergyman of the Church of England, who said—

“It is my strong conviction that any enlargement and consolidation of denominational education will henceforth tend to narrowness and to the hurtful increase of sacerdotal influence. The great wealth and organization of the Roman Catholic and Episcopal Churches will enable them through denominational schools to obtain great entrenched camps of the future. If the Government could be induced to assist one kind of school only—namely, a true national school in which the Bible shall be read and taught, I believe the further greatness and harmony of England would be promoted.”

He (Mr. Morley) was assured that not a few of the clergy largely shared that opinion. He understood the object of the Amendment was to appeal to Churchmen to meet them in the matter. He believed if the Catechism were excluded from the day school and reserved for its proper place—the Sunday school, or reserved for special hours in one or two days of the week—a great deal of the difficulty would be got rid of, and he was certain that there were hon. Members opposite who were as indisposed to press upon the consciences and judgment of those whom they were seeking to benefit as any on the Liberal side of the House. He might mention, as showing the feeling of the working classes on this point, that at a very recent meeting of the London

School Board two deputations were received. One consisted of the Rev. R. T. West and the Rev. D. Moore, who presented a memorial objecting to the Board holding a transferred mission-hall school, on the ground that provision for the all children would be made otherwise than by board schools, and asking to have the mission-hall transferred to a denomination. It was stated that the denomination had raised a large sum of money to supply any deficiency. This deputation was introduced by Mr. Mills, M.P., and the Rev. Dr. Irons. The second deputation consisted chiefly of labouring men—one in the uniform of a railway porter—and they were headed by Admiral Fishbourne, who stated that the mission-hall was built 10 years ago to supply a want in the district, and the school had always been well maintained in regard to numbers of children, and the sum received from the Government grant showed a high state of efficiency. When the Act was passed the supporters who subscribed to the school could not afford to pay the rates and subscribe too, and so the school was transferred to the Board with the perfect satisfaction of the parents, who desired that the religious teaching should be unsectarian, such as was taught in the board schools. The objection to the mission-hall school came from Dr. West, of the Ritualistic Church, and the speaker begged to state that if the Board listened to the parochial clergy who had waited upon them, and shut up the school, the original trustees would carry it on, for the parents would not subject the children to the teaching of Ritualistic Churches, and they all regarded this action of the parochial clergy in endeavouring to close the school as a piece of ecclesiastical tyranny. This showed the feeling of the working classes in regard to the religious education as given in the London board schools. He felt that we were under great obligations to the clergy of the Established Church for their services, and no word had ever passed his lips which was otherwise than respectful towards them, and mindful of the sacrifices they had made. But we had come now to a point at which he believed it would be the best policy of the Established Church to make some substantial concession in this matter, and he maintained that in the reading and teaching of the Bible there was every possible guarantee for the religious

teaching of the school. He especially appealed to the noble Lord the Vice President of the Council to lend his aid in this matter. He was persuaded that if something was not done, they would have an embittered controversy which would only end in the establishment of secular schools, a result which he personally would regard with extreme disfavour. It would eliminate from education the really honest religious element and the inculcation of truths universally held amongst us. He believed with one of our Bishops, who had said that if half-a-dozen men on each side of the controversy were to go into a room and spend an hour or two in considering the matter, the one condition being that they were all in favour of religious education, they would be able to decide on such a system of religious teaching as would meet the fair necessities of the case. He hoped the noble Lord would aid by endeavouring to influence those who were unreasonable on both sides. The principle of religious liberty was infringed if any parent was compelled from fear of consequences to subject his child to religious teaching to which he had conscientious objections. He thought he might venture to say that his right hon. Friend would confirm that. He was prepared to defend the system of religious teaching of the London board schools, for quite as much of that kind of teaching was given in them as in the denominational schools, and, beyond that, he could point to the recent examinations for the gratifying results of the system they pursued. He had no expectation that his hon. Friend would be able to carry his Motion; but he hoped he would divide the House, for he regarded it as a protest against the embittered controversy to which the Bill would give rise, and therefore he would give it his support.

MR. HALSEY said, the speech of the hon. Member for Merthyr (Mr. Richard) would have been more appropriate if it had been made on the introduction of the Education Bill of 1870. From that speech he inferred that the hon. Member's object was the establishment of universal unsectarian schools. Even if school boards were universally established we should not have universal unsectarian schools so long as we had the Act of 1870, because the existing denominational schools were recognized under that Act. Therefore, in order to carry

*Mr. Morley*

out the purport of the Amendment, the hon. Member would have to bring in a Bill to entirely repeal the Act of 1870. For his own part, from his experience as a manager of a voluntary school and as the chairman of a school board in a rural district, he was of opinion that hon. Gentlemen on the Ministerial side of the House were a little too prejudiced against school boards. He could assure hon. Members, on the contrary, that those bodies were of use, and in many districts, he believed, if the difficulty were boldly grappled with, that the school board would provide a satisfactory solution of it; but he hoped the day would never come when universal school boards would be established by force of law, whether with the condition of compulsory bye-laws or not. He greatly preferred the proposal in the Bill, because it was admirably calculated to meet the difficulties that stood in the way of education in country districts. To place power in the hands of a committee of the Board of Guardians was a wise and an economical proposal. He understood that the hon. Member for Merthyr objected to Boards of Guardians having power to make rules for compulsory attendance at school, and insisted that school boards only should have that power. But the fact was that generally speaking 99 out of every 100 members of school boards were members of Board of Guardians. If the proposal for the establishment of universal school boards were adopted the only persons who would be fitted to serve upon them in rural districts would be the same squires and farmers who managed the existing schools. The fact must not be lost sight of that it was more troublesome to serve upon school boards in rural districts than in large towns where the factory owner could leave his work with the certainty that it would go on with the regularity of clockwork in his absence, while the prosperity of the farmer depended entirely upon his personal presence and supervision. Under these circumstances it was almost certain that if school boards were universally established, the duties would be badly performed or not performed at all in rural districts. It must also be remembered that where there was not sufficient school accommodation school boards would still be appointed—a fact that cut away the ground from under the feet of the hon. Member op-

posite. For these reasons, he thought the proposal of the Government to entrust those duties to Boards of Guardians was a most wise and judicious one, and was especially adapted to the wants of rural districts, for which he claimed especially to speak, from a life-long knowledge of them. He would add, that he also entirely approved the method proposed in the Bill for putting a sort of indirect compulsion upon the parents by not allowing their children to go to work until they had attended school for so many years, or had passed certain educational Standards. That was a better plan than bringing the policeman and the magistrate and fine and imprisonment into play to enforce direct compulsion. He protested against the attempts of hon. Members opposite to mix up the so-called religious difficulty, which in his opinion did not exist at all, with this Bill, as by doing so they were greatly injuring the cause of national education. The Government, in his opinion, had taken the right course; and if the Bill passed, it would do more to promote a thorough general education than any form of direct compulsion which could be imagined, and certainly more than could be associated with the speech of the hon. Member for Merthyr, and the disestablishment of the Established Church, which he trusted would never take place. He should give his vote against the Amendment, and in favour of the Bill.

MR. COWPER-TEMPLE, while fully admitting the energy and courage of the Dissenters as a body, could not regard their present action as being consistent with the toleration they had always professed to have at heart. The hon. Member for Merthyr Tydvil (Mr. Richard) had read a number of extracts from certain works which contained propositions which were utterly repudiated by the Church of England at large, and especially by her authorities, and it was not fair to condemn the whole body of Churchmen for the eccentricities and the follies of the few. It was not because certain absurdities were practised, and an unauthorized catechism was taught in half-a-dozen Church schools that 12,000 voluntary schools were to be made to suffer. This wholesale condemnation on the part of the hon. Member of those who had done so much for education before 1870 was neither tolerant, nor fair.

upon his part. The Motion, too, of the hon. Member in his (Mr. Cowper Temple's) opinion was neither just, fair, nor tolerant. It was capable of several interpretations, and it appeared to offer three alternatives. One was to prevent the powers of compulsion being exercised in voluntary schools; but that would inflict upon our children the injury of continuing to be irregular in going to school, and leave them still under the influence of careless or idle parents, or of their own hoodlowness or folly. Another alternative would be the creation of school boards in places where the existing Bodies could do all the necessary work, and this would tend to injure the ratepayers in the localities by increasing the burden of the rates; while a third alternative would be to transfer the management of the existing voluntary schools from their present managers to local Governing Bodies. With regard to the first of these alternatives, he did not think it necessary to say anything, for no one would deny that compulsory powers were needed in all the public elementary schools. The second could not be adopted in the dissatisfaction so generally felt at the burden of school board rates. Although the Boards of Guardians appeared to be the best elective body in the rural districts to administer the duties imposed by the Bill, they would be ill fitted to undertake the ordinary management of schools, and the members would be much surprised if asked to undertake such a duty, in addition to the business now devolved upon them, even supposing they considered themselves qualified. His own belief was that if there was a body of persons who deserved encouragement, it was the managers of voluntary schools, who had, by their own labour and expenditure, supplied education for the poorer classes where the State neglected them. They had discharged this work of benevolence and patriotism well, and did not deserve to have a slur cast upon them. The adoption of any one of the three alternatives he had mentioned would be a great loss to the children, and the supposed remedy would prove worse than the existing evil. It was not correct to assume that clergymen were the sole managers of the voluntary schools. In all cases it was necessary to appoint managing committees as representatives of subscribers, and they

were responsible for their share in the affairs of the schools. The defence of the Motion was based upon the so-called insufficiency of the Conscience Clause; and it was contended that under the law, as it stood at present, children were compelled to listen to religious instruction in denominational schools, whether their parents wished it or no. Those, however, who took that view did not really know how the Conscience Clause worked. It was, perhaps, true before the passing of the Act of 1870, when the clergyman or schoolmaster had the power to give religious instruction at any time in school hours. But now that state of things had been altered, and it was only possible for religious instruction to be given before or after the lessons in other subjects had been given. From a Return on the Table of the House, he found that out of 10,800 schools 98 per cent had the religious teaching given before or after the register of attendances had been taken. Consequently, parents could, with the greatest ease, arrange that their children should arrive at the school in time to be entered on the roll after the religious instruction was over, or leave the school before it begun; and the teachers had no pecuniary interest in the attendance of children during the religious teaching. The Conscience Clause was, in fact, self acting. He admitted, however, that there might be a few cases in which the law was not strictly observed; but for these, the Amendment which the right hon. Gentleman the Member for Bradford had placed upon the Paper would give an ample remedy. If the Conscience Clause was observed and enforced, a voluntary school was just as secular a school as a board school. That was to say, it was so, so far as the children of Nonconformists were concerned; but it had the recommendation of being a religious school to those children whose parents desired it. He thought it would be terrible if they were, for the sake of remedying a fancied grievance, to deprive children of getting a religious education, which, though very elementary, might prove the foundation of their future progress in religious knowledge. It was difficult to discover cases in which children were proselytized in the denominational schools. Proselytism might be carried on, but it was outside the schools. The proposition to prohibit the

schoolmaster and the schoolmistress from giving religious instruction was a most extraordinary one, for they were the persons best qualified for imparting to the minds of the children those elementary truths which they ought to receive. The attitude of the Nonconformists towards the Church was well described during the debate in 1870 by one of the most eminent of their number—Mr. Winterbotham—as being one of watchful jealousy. That jealousy had accomplished a great deal. It brought about the Time-Table Conscience Clause at the sacrifice of much of the good influence previously exercised in the schools. That vigilant jealousy ought not to outlive the circumstances that supplied its excuse, nor be indulged to the hindrance of regular attendance in all public schools. No case of grievance had been made out, on behalf of Nonconformists. If anything like a real grievance existed, he would be among the first to endeavour to remedy it. But this Resolution, if carried, would create a grievance on the managers and conductors of voluntary schools, and those who had subscribed for their support. He opposed the Amendment because he saw in it a tendency to secularism. Secularism was repugnant to the feelings and judgment of the nation; and yet there was a certain power of logic and circumstances which was continually drawing men down towards that gulf. Earnest men, unable to untie the knot of the religious difficulty, were inclined to cut it by stopping religious teaching in the schools altogether. What he disliked in secularism was its tyranny and contempt of the conscientious convictions of Christians. He believed that the great security as regarded religious teaching was to give as much liberty as possible—liberty to those who taught, liberty to those who were taught. Let them leave to the conductors of voluntary schools the freedom they possessed to teach what they believed to be necessary and suitable for the children, with the existing safeguards against any teaching to which their parents objected, and if any cases could be found in which the Conscience Clause was not observed, let them be reported to the Education Department, and the noble Lord might be trusted with the duty of giving an account of them, and of finding a remedy against their continuance.

Mr. PAGET said, the hon. Member who moved the Amendment (Mr. Richard) had wandered very far, in recommending it to the House, from the principle it expressed. The hon. Gentleman had laid before them a very long list of the grievances of the Dissenters; but when they came to be examined he believed those grievances would be found to be entirely imaginary. The Amendment, if it meant anything, meant this—war to the knife to voluntary schools. He was glad to hear the hon. Gentleman say he was no great advocate of the principle of direct compulsion, preferring the more gentle system of persuasion. The feeling of the country did not go with an uniform system of compulsion; and if they wished the children of the country to be educated, they must have the feeling of the people favourable to the system of education which they adopted. The hon. Gentleman, though he would destroy the voluntary schools, did not say, and could not say, they were inefficient. The fact that £816,000 had been subscribed in their support in the course of a single year was sufficient to show that the mind of the country was in their favour. It had been asserted though, by other speakers, that voluntary schools were inefficient and expensive. The result, however, proved their teaching was more satisfactory than the rate schools, and a glance at the figures would show that the proposition that they were more expensive could not be maintained. This Bill was intended to supplement and complete the Bill of 1870, but was there no other blot on that measure than that of unfilled schools? It could not be denied that, in endeavouring to avoid the Scylla of the religious difficulty, they had fallen into the Charybdis of the irreligious difficulty. It was a strange fact the outcome of their mutual mistrust in the matter of religion should give rise to what the right hon. Gentleman the Member for Bradford, in the year 1870, called a monstrous thing. The right hon. Gentleman said—

“Would it not be a monstrous thing that the Book which, after all, is the foundation of the religion we profess, should be the only Book that was not allowed to be used in our schools?”  
—[3 *Hansard*, ccxix. 468.]

Birmingham was the great, but by no means the only, blot on the system, for he found that in no less than 140 board schools there appeared to be no provision

for religious teaching, though in some the Bible was used as a text book. He was glad, therefore to see on the Notice Paper an Amendment in the name of the right hon. Gentleman the Member for South Hampshire which would have the effect of enlarging the scope of religious teaching in board schools. He ventured to think the line taken by the London School Board was one which might well be adopted for the whole country, for he found from a Return which had been recently presented to the House by one of the Inspectors of that Board that out of 60,000 children in the district which he visited, there were during the past year only 28 objections on the score of religious principle, 17 out of the 28 coming from members of the Hebrew persuasion, which left a balance of but 11 as the sum total of Christian objections. Now, if that were to be taken as a measure of religious difficulty, was it not, he would ask, too miserably minute to be worth the consideration of the House? Regarding the present Bill as an attempt to supplement the Bill of 1870, he thought it was absolutely necessary something should be done in the matter of finance, because it was in his opinion extremely objectionable that such restrictions should be imposed as under the existing law on Government grants merely by means of departmental arrangements. The main principle of the Act of 1870 was that those grants should be given as payment for results, but when they came to be limited in one direction and another that principle was altogether sacrificed. The system of rating school buildings was also in his opinion mischievous. There was no fairness in it, because board schools, though nominally rated, were actually free from rates, inasmuch, as they put one hand in the pocket of the ratepayers, and paid the rates in that way with the other. In order, then, to place all schools on an equal footing the best things to do was to declare no buildings employed for school purposes should be liable to rates at all. Another Amendment which was, he thought, necessary, was that there should be absolute power to dissolve school boards, for their very name was beginning to stink in the nostrils of the people, who ought to be afforded an opportunity of getting rid of what they declared to be useless. Again, as to denominational teaching, where, he

would ask, would the education of the country have been before 1870 but for the denominational system, which had worked so vigorously and heartily, and which was in accordance, he believed, with the feelings of the great majority of the nation? It was an established fact that regular attendance was secured by good teaching, and one of the London School Board Inspectors, whose Report he quoted, thought it would go far to obviate the necessity for continuing the exercise of compulsion. Let it not be said that there was no sufficient sign in the country to induce the Government to adopt some of those Amendments. Let it not be supposed that the Amendments on the Paper were not called for by the country; it was not always the greatest clamour that gave evidence of the deepest feeling, and there was such a force in Nature as silent but irresistible strength. This was the time to give effect to the feeling of the nation in favour of religious teaching—

“Where shall wisdom be found? The depth saith It is not me! and the sea saith It is not with me. Behold the fear of the Lord, that is wisdom, and to depart from evil is understanding.”

That wisdom ought to form part of our national education. Could we not get rid of those twin demons of mistrust and suspicion, and unite in the spirit of charity, to carry on the work of education not only in secular matters, but in the eternal truths of Christianity?

Mr. MUNDELLA said, he should not have taken part in the debate were it not for the speech of the hon. Member who had just spoken (Mr. Paget). He (Mr. Mundella) had no difficulty in responding to the challenge just made, and declaring that hon. Members on that side desired to co-operate in a spirit of kindness and charity in promoting the education of the country; if he voted for the Amendment it would not be that he meant to declare war to the knife to the voluntary schools. On the other hand, he had no wish it should be supposed that he desired to promote a purely secular system—what hon. Members opposite regarded as an infidel system, and to exclude the Bible. He never would be a party to any Act of Parliament that would exclude the Bible from the common schools of the country; but, on the other hand, he would not join with hon. Members op-

*Mr. Paget*



posite in an attempt to enforce a minimum of religious instruction in the schools of the country. The safest way to promote the religious education of the country was to leave it to the religious feeling of the country; and they had the best proof of it in the fact that there were more children receiving religious education at that moment, and a better religious education, than ever had been received in this country before. Any man who really desired the religious education of the children of this country ought to rejoice at what he saw going on in all the large towns. [An hon. MEMBER: Birmingham.] Well, let them wait until the hon. Member for Birmingham took his seat for the defence of the Birmingham School Board. He was concerned with the general education of the country; and not for the 7,000 children of Birmingham only, about whom so much was said. He could point to twice as many in the schools of Sheffield who were receiving a religious education which was not surpassed by that given in any of the schools of the country. In the metropolis the schools gave a religious education which could not be excelled, and it was a matter for rejoicing that such was the case. He repudiated the animus against voluntary schools that was imputed to him and others, and admitted that there was enough to do to supplement their work; but a further question was raised by the position of the schools referred to in the Amendment. The words "public management" were both ambiguous and embarrassing, and meant where they stood a great deal more than his hon. Friend the Member for Merthyr Tydvil put in his speech. There were few Members in that House who had not been or were school managers, but nobody dreamt of taking away the control of voluntary schools from such managers. ["Oh, oh!"] His hon. Friend stated that as plainly as possible towards the close of his speech. ["No, no!"] What he desired was that there should be public supervision of voluntary schools, and no more than that public control over the expenditure of public money, which was contended for by so many in the debate on the Prisons Bill. From a Return just placed in the hands of hon. Members it appeared that £3,800,000 was expended last year on

education in England and Wales. Of that, £800,000 was voluntarily contributed—a fact which deserved the highest consideration at the hands of the House. But that £800,000 would under this Act be a decreasing quantity, while the £3,000,000 were an increasing quantity, and two or three years hence we should be spending £5,000,000 a-year on education, not 10 per cent of which would be derived from voluntary contributions. He admitted that in London and in the large towns the religious difficulty was a trifle, for if the parents of a child were not satisfied with a denominational school, they might send it to a British and Foreign or to a board school, but that was not the case in the rural districts; there would be there but one school, and to that all the children of the district would have to resort, and the increased grants would be given almost exclusively to the schools of one denomination. If there were only 100 purely Roman Catholic schools in the 14,000 parishes in the country to which the children of Church people must be sent or not be educated at all, would hon. Gentlemen opposite pass this Bill without further safeguards? ["Yes, yes!"] Not they. He did not believe they could honestly answer this question in the affirmative. Would they pass a Bill to compel their children to go to a Roman Catholic school? The noble Lord, in the Amendments he had put on the Paper, had partly met the grievance of the hon. Member for Merthyr. They were glad the noble Lord had done so, and hoped he would go still further towards relieving the consciences of Nonconformists. In rural districts the schools were exclusively Church of England schools, and in a majority of these the Conscience Clause would be fairly worked, but it would be evaded in some cases, and he was sorry to say that the action of the Education Department would increase the difficulty of meeting these cases, for it had been decided that wherever a Church school was in itself sufficient to supply the wants of a district, Nonconformists should not be allowed to establish a British or Nonconformist school. He hoped that by reference to the Law Officers of the Crown the noble Lord would find that this was not a proper construction of the Education Act. Meanwhile he could not refrain from

under the shadow of that influence, will be able to enforce the Conscience Clause if the parent does not desire to call upon the Government Inspector to do so. Undoubtedly cases may occasionally occur in which the whole tone of the teaching of a school is distasteful to a parent and the whole village community. In such cases some local supervision would be an advantage. But in many other cases quarrels and disputes of a most undesirable character might occur between the existing managers and the local elected authority, and I must point out to my hon. Friend that he does not meet the whole of the Conscience grievance by the Amendment which he has proposed. He does not meet the Conscience grievance of Roman Catholics, or, in a less degree, that of some members of the Established Church. A Roman Catholic board school, where no religious instruction is given, is just as great a stumbling block as any religious instruction that is given in a denominational school to the child of a Dissenting parent. It seems to me that the only security which it is in our power to provide is the establishment of some power to strictly and effectually enforce the Conscience Clause. My hon. Friend says that the Conscience Clause is a delusion; but although he was extremely profuse in his quotations and extracts from various books and papers in support of many of his assertions, he did not, I think, bring before the House any convincing proof in support of that assertion. It seems to me that the Amendment of my hon. Friend goes too far. I do not understand my hon. Friend to wish to put an end to all denominational schools, but to substitute for the present management of denominational schools a management by some local elected authority. If that is so, I fail to see for what object a voluntary school would exist. If you take away the power of management from the managers of voluntary schools, I do not see in what better position they will be placed than if the districts were made school-board districts, and the schools turned into district board schools, and employing not only compulsion under the Bill, but also under the Act of 1870. Under that Act a school board, although it might apply compulsory bye-laws, had no power to interfere with the management of denominational schools. Take, for instance, the borough of Stockport, where

a school board passed compulsory bye-laws, but, as I understand, has established no board schools. But the effect of my hon. Friend's Amendment would be to compel the Stockport school board, whose compulsory bye-laws are working very well, to undertake the management of schools with which at present there is no necessity whatever for interfering. While I think the Amendment of my hon. Friend goes too far in these respects, I cordially support the Amendment to which some reference has been made, and of which Notice has been given by my right hon. Friend the Member for Bradford. The effect of that Amendment, as I understand, is to make it the duty of the local authority to report any infraction of the Conscience Clause to the Education Department. That proposal will not disturb in any degree the management of the denominational schools by the existing managers, whilst it will give to the local authority, whose duty it will be to force the children to go to school, the duty and power of seeing that the security intended is given to them, and of which they can only be deprived by culpable neglect or abuse of the power of management. It is only right and reasonable, when powers are given to the local authorities, that the children and parents should be protected from any probable abuse of power by the manager of the schools. I am not surprised that my hon. Friend is dissatisfied with the present system. I must confess it is a remarkable, and I believe it is an anomalous system. It is a system which places in the hands of religious Bodies and private individuals duties and powers which, in every other country in the world, are considered as appertaining to the State and should be exercised by it. It is a system which has undoubtedly worked very much to the advantage of one denomination and to the detriment of others. But when I look to the hold this system has acquired, when I look to the vast amount of educational machinery which would be put out of gear by any sudden and violent change, when I look to the power which the present managers have of resisting any such sudden change, when I look, above all, to the immense check which would be put on the existing educational progress of the country, I admit I cannot go with my hon. Friend when he proposes universal compulsion, until a system has

been established which he and I perhaps would regard as more perfect. This Bill does not, in my opinion, interfere in any degree with the progress of school boards. If, as my hon. Friend believes, and as I am inclined to believe, the school-board system is a more perfect system, if it is becoming daily more suited to the wants, and more congenial to the feelings of the country, then I think we may depend upon it that it will make its own way; and it will make its own way all the more rapidly, if it be not forced on an unwilling country. If denominational schools gain something, the Nonconformists and the advocates of a State system of education also, I think, gain something under this Bill. For the first time—and this seems to me to be by no means a small matter—in the history of our legislation, public authorities are not only to be permitted, but enjoined to take part in the work of education, and that not only where school boards are established, but universally throughout the country. That I look upon as a step of no unimportant character. It may not be a very great step, but it is a step in the direction which my hon. Friend and those whom he represents advocate. It is a step which has been taken by hon. Gentlemen opposite, and my hon. Friend may rest assured that if it be found necessary that this measure should be followed by others, they can only be such as will go further in the direction of this step, and cannot be of a retrograde character. For the first time, public authorities throughout the country are vested with some share of its educational business, and, looking at that fact and to the educational advance that is made by the measure, I cannot agree to vote for the Amendment, which would in practice put off *sine die* the adoption of universal compulsion, which it is now admitted the country is prepared to accept, and therefore I am compelled, however reluctantly, to give my vote against the Motion of my hon. Friend.

VISCOUNT SANDON said, the debate had now lasted for a considerable time, though, in the early part of the evening; it seemed so much to flag that he was apprehensive the whole matter would come to a premature conclusion. He did not therefore think that he was rising too early to address the House. During the first two or three hours of the debate he felt disposed to

regret the tone which had been adopted by more than one speaker. He had during that time heard a good deal which seemed to indicate that religious feuds and bitterness would be introduced into the discussion; but then he felt himself bound to admit that, after all, Nonconformists had many wrongs in the remote past to complain of, and that Churchmen ought not to be too sensitive if, even at the present day, when those wrongs were about to be removed that those who belonged to the older generation of Nonconformists should still be very susceptible when they approached a subject such as that before the House, which they considered was likely to touch on the rights and liberties of the subject. For his own part he must confess he wished the House in dealing with it could follow the example of the school boards, so that no Catechisms of any kind should be introduced into its debates; for their introduction, in his opinion, neither tended to the dignity of those debates, nor to the promotion of that good feeling which ought to prevail. But if there were some speeches in the early part of the evening to which he could not listen with satisfaction, there were others later on full of grave and serious arguments, such as that of the right hon. Gentleman the Member for South Hants (Mr. Cowper-Temple) and that of the noble Lord who had just sat down, which would, he thought, do good service to the cause of education; for, while they entered fully into the grievances of the Nonconformists, they came to the conclusion, with the Government, that those grievances were only imaginary. He might also observe that he had received several communications from various parts of the country in which he was informed that such denunciations of the proposals of the Government as the House had on more than one occasion heard were by no means acceptable to the great mass of Nonconformists. Now, there were two or three points which had been raised by the hon. Member for Merthyr (Mr. Richard), the hon. Member for Leicester (Mr. M'Arthur), and others to which he wished to advert before entering into the general argument. The hon. Gentleman the Member for Merthyr had spoken of it as one of the great grievances of the Bill that under its operation Nonconformists would be excluded from all share in the teaching

maligned Conscience Clause a total of over 3,300 children had been withdrawn from religious instruction. That was to say, out of 8,586 public elementary schools of the Church of England, scattered all over the counties, there were withdrawn from religious instruction 1,446 children; out of 1,755 British, Wesleyan, and undenominational schools, 249 children were withdrawn; out of 528 Roman Catholic schools, 1,325 children were withdrawn; while out of 1,319 board schools 358 children were withdrawn. That showed that the Conscience Clause had not proved nugatory, but had to a large extent done the work it was intended to do. He would not now dwell on the religious difficulty, but he thought that evening's debate had shown it was generally acknowledged that that difficulty was not a real and serious one. Granting for the sake of argument that a religious difficulty did exist, he would ask why it had not been started when Mr. Dixon brought forward his Bill? Mr. Dixon stated over and over again that his was a Bill of direct compulsion, but it contained no provision for making new schools. Why was not the religious difficulty mentioned then? Well, then, he would ask whether the Government Bill aggravated the religious difficulty in any way? Perhaps the best answer he could give the House to that question was to quote from a printed circular which had been forwarded to him at the Privy Council Office. It was marked private, but he presumed that he might use a document coming to him in his official capacity, and he would appeal to this circular as containing trustworthy information as to whether the Government Bill really aggravated any supposed religious difficulty. It was written before the Bill was printed, but it went minutely into details. It stated that no power was given under it to the authorities to establish school boards. It was dated from Birmingham, and he would ask the permission of the House to read this passage—

"The effect of these proposals will be to introduce both direct and indirect compulsion into many parts of the country where Nonconformists are numerous, but where the only schools in existence are schools connected with the Established Church. The Committee (the Central Nonconformist Committee) feel strongly the injustice which is involved in compelling the children of Nonconformists to attend schools

which are established with the avowed intention of educating children in the principles of the Church of England, and which are under the almost irresponsible control of the clergy. But practically the injustice already exists. It is one of the inevitable evils resulting from the denominational system. Nonconformists of every description are anxious to give their children as good an education as possible; but in many parts of England they have no choice of schools. They are obliged to send their children to the schools of the clergy or to leave them undeducated. We believe, therefore, that the number of Nonconformist children who are not actually at school, and who would be driven into Church schools by Lord Sandon's Bill, is extremely few. The children whom the Bill would reach are for the most part children of ignorant or careless parents, and it is better that they should be driven into the schools of the Church than that they should receive no education at all. While, therefore, we recognize the strength of the abstract objection to the compulsory proposal of the measure, we cannot recommend that these proposals should be resisted. In the interest of the neglected children and of the country at large, we think that they should be accepted.—Signed by William Middlemore, J.P., chairman: R. W. Dale, H. W. Crosskey, J. Jenkyn Brown, hon. secs.; F. Schnadhorst, secretary."

This was remarkable testimony, and if he wanted an argument to show that the Government Bill was one of perfect fairness to the Nonconformists as well as to the Church he thought he might rest his defence upon the important circular that had been forwarded to him. It was clear that the meaning of the Amendment was not whether the schools were to be under public management. It was the old story that the board schools should be put within the reach of every Nonconformist parent. The Bill was in fact a Police Bill. It prosecuted the employer who infringed its provisions, and it brought the parents of neglected children before the magistrates. The real meaning of the Amendment was that the voluntary schools should be thrown on the rates, and that Parliament should create universal school boards. This, however, was a proposal which the Government could not entertain for one moment. He regretted that the subject should be brought forward again, but he trusted that the calmer judgment of the Nonconformists themselves, when they thought the Bill over, would lead them to see that it had been framed with no sectarian spirit whatever. It had been framed in an honest endeavour to make the best, soundest, and most satisfactory provision for the education of those children who, when they grew up, would be the future citizens of

this great Empire, without introducing those great changes in the habits of the people which would set them against education, and also without unduly interfering with the institutions already existing. He trusted that for these reasons the House would not accept the Amendment of the hon. Member.

MR. WADDY said, that as it was evident that the debate was not exhausted, it would be better that the discussion on the subject should be adjourned. ["No, no!"] Then he must proceed with his speech, because it was a subject on which he could not be content to give a silent vote—["Divide, divide!"]—and one on which he felt so strongly that any interruptions of the kind he heard would only protract his remarks. Although his views might not be the views of hon. Members on the opposite side and some on his own, yet these views did influence a large number of the people of this country, and without understanding them he did not think the House could fairly enter on the discussion before them. They were told that the grievances of Nonconformists involved the remote past and involved imaginary grievances—["Hear, hear!"]—and that view seemed to find favour in some who cheered at that moment. He was prepared to hear those cheers from the enormous and crass ignorance there was on the subject. It was desirable, therefore, in the clearest way to bring the true view of the matter before the House. It was right to tell the House that this grievance did not belong to the remote past, but belonged to to-day, and was not an imaginary, but a real grievance, and the reason why they objected to the Bill was not that it was such a very very bad Bill—he would make hon. Gentlemen a present of that—but because it was a continuation of a course of legislation which was exceedingly destructive, as many of them believed, of the religious liberties of the country. He did not mean to argue at any great length as to whether this was the tendency of the Bill; but he could not help seeing that the tendency was to strengthen the denominational direction of existing legislation, and to destroy the entire religious liberty of large bodies of Nonconformists in regard to the education of their children. He was quite prepared to go further and say that that was the

natural result, to a great extent, of previous legislation, and which seriously imperilled the liberty he had mentioned. He did not speak there as the Representative of any religious Body. ["Oh, oh!"] He did not; he had no right to do it; he was not authorized to do it, and it would have been impertinence to do it; but being a member of a large religious Body—the Wesleyan Methodists—and knowing the feelings and views of those who composed it, he felt it right to express those views not as their Representative, but for the information of the House. They believed the natural tendency of that legislation was to throw education into the hands of the Church of England in this country, and to the Roman Catholics in Ireland, and they did not know which was the more objectionable of the two. They did not think it fair that in Ireland education should be thrown into the hands of a Church which took every possible advantage of the principles of toleration in this country, and took care to act on opposite principles in every other country in which it had power. They did not think it desirable that education should be thrown into the hands of the Church of England. According to the views laid down on the other side, the Nonconformists were fighting on the side of infidelity; but there were so many things to be said in favour of the views they entertained that he could not help thinking, when they were accused of teaching "There is no God," such a suggestion as that, though made in the British House of Commons, was not worthy of any reply at all.

MR. HALL: I beg to contradict that. I said it was time for Nonconformists and Churchmen to unite against infidelity—not that the Nonconformists favoured infidelity.

MR. WADDY said, that if he borrowed the tactics not long ago used, he should say he was glad to hear that retraction—["No, no!"]—but he did not borrow those tactics. He would rather say he was glad to hear he was wrong. This was not a question which could in reality be touched by the Conscience Clause at all. He would not allude to the scolding of people who were constantly evading the clause.

VISCOUNT SANDON: I must take exception to "who are constantly evading." I said, "now and then."

MR. WADDY: Surely "now and then" were the *indicta* of many of whom the country never heard at all. He cared very little about the Conscience Clause, or very little about the Catechism, nor did he think any number of them would remedy the evil of which he and those who thought with him complained. He did not think all the theology they could teach children of tender years was worth anything. That was child's play; that was not the real difficulty, the real mischief. As a Wesleyan Methodist, if the Government would prepare a Catechism of good sound Protestant theology, he should be glad to see it read in every school of the land. Differences of dogmatic theology would have no effect. The really important matter, and what he did care about, was that the Bill would hand over teaching to one religious denomination of the country which would have the aid of that subtle influence which would tend to show that was the one religion of the land. That was what was done. If children were led to believe that the clergymen of the Church of England were the one ministers of the Gospel, and the one minister from whom to derive all holy things, they would be driven from that learning which their parents believed to be proper for their interests. In that way, in the course of a few years, they would be driven by shoals from the religion of their fathers. Take Lincolnshire, where the majority belonged to the Church he belonged to. They were poor, and education was in the hands of the parson and the squire. By this Bill the management of the school would be under the ægis and care of the Church of England clergymen, and the minds of those children would be taken from the religious learning their parents were disposed for them to have. ["No, no!"] He said "Yes." Whatever they might have had of denominationalism before there would now be denominationalism plus compulsion. The Bill would drive their children away from the training they ought to have, and give them that which their parents did not wish them to have. There was not a day of their lives that they did not find out that they were looked upon—as they were gracefully informed a few days previously—that they were looked upon as belonging to an inferior social sphere. They had

borne this for a long time at the hands of the Church, but all that they asked was to be let alone. They were not jealous of the position of the Church, notwithstanding her position and wealth. ["Oh, oh!"] They only wanted to be let alone; but, unfortunately, that was not the course which had been adopted. They had been accustomed to outrage in connection with almost every service of their Church—in the baptism of their children, the marriage of their adults, and the burial of their dead. An absurd and narrow-minded bigotry pursued them all through life, and endeavoured to snatch a paltry victory over the tombstone of the dead carcase, but they had borne it all. There was, however, one thing beyond, which would stir the Non-conformists of the country, and that was any legislation of which the distinct and inevitable consequence would be to interfere with the training of their children, and if the Government were going to introduce a Bill to add compulsion to denominationalism, and which would turn their children from the faith of their fathers; if this sort of thing were to go on and the string were continually to be tightened in favour of the Church and against the Nonconformists—there were a number of them who had hitherto held their hands, but would now join in the fight and raise a battle-cry which would be very disastrous to the Established Church. When the time came for the reversal of the policy of the Government, as come undoubtedly it would, let them not imagine that any proposal for compensation would be listened to when that policy was reversed. He should vote for the Amendment of the hon. Member for Merthyr, and he would appeal to hon. Members in the moment of their power to consider that they were not legislating for a day, but for all time.

Question put.

The House divided:—Ayes 317; Noes 99: Majority 218.

#### AYES.

Acland, Sir T. D.	Anstruther, Sir W.
Adam, rt. hon. W. P.	Antrobus, Sir E.
Adderley, rt. hn. Sir C.	Arkwright, F.
Agnew, R. V.	Ashbury, J. L.
Alexander, Colonel	Astley, Sir J. D.
Allen, Major	Bagge, Sir W.
Allsopp, C.	Bailey, Sir J. R.
Amory, Sir J. H.	Balfour, A. J.

Barclay, A. C.	Egerton, Adm. hon. F.	Hood, hon. Captain A.	O'Donoghue, The
Baring, T. C.	Egerton, Sir P. G.	W. A. N.	O'Leary, W.
Barne, F. St. J. N.	Egerton, hon. W.	Hope, A. J. B. B.	O'Neill, hon. E.
Barrington, Viscount	Elliot, Sir G.	Hubbard, E.	Onslow, D.
Barttelot, Sir W. B.	Elliot, G. W.	Hubbard, rt. hn. J. G.	Paget, R. H.
Bates, E.	Elphinstone, Sir J. D. H.	Hunt, rt. hon. G. W.	Parker, Lt.-Col. W.
Beach, rt. hn. Sir M. H.	Emlyn, Viscount	Isaac, S.	Pease, J. W.
Beach, W. W. B.	Errington, G.	Jenkinson, Sir G. S.	Peel, A. W.
Bective, Earl of	Eslington, Lord	Johnson, J. G.	Pemberton, E. L.
Bentinck, rt. hn. G. C.	Evans, T. W.	Johnstone, Sir F.	Pender, J.
Beresford, G. de la Poer	Ewing, A. O.	Jolliffe, hon. S.	Peploe, Major
Beresford, Colonel M.	Fellowes, E.	Jones, J.	Phipps, P.
Biggar, J. G.	Ferguson, R.	Kavanagh, A. MacM.	Playfair, rt. hon. L.
Birley, H.	Finch, G. H.	Kay - Shuttleworth,	Peel, hon. D. R.
Blackburne, Col. J. I.	Fletcher, I.	U. J.	Plunkett, hon. R.
Blckow, H. W. F.	Floyer, J.	Kennard, Colonel	Polhill-Turner, Capt.
Boord, T. W.	Foljambe, F. J. S.	Kennaway, Sir J. H.	Portman, hon. W. H. B.
Bourke, hon. R.	Folkestone, Viscount	Kingscote, Colonel	Powell, W.
Bousfield, Major	Forrester, C. T. W.	Knight, F. W.	Power, R.
Bowen, J. B.	Forster, rt. hon. W. E.	Knightley, Sir R.	Praed, H. B.
Bowyer, Sir G.	Forsyth, W.	Knowles, T.	Raikes, H. C.
Bright, R.	Foster, W. H.	Lacon, Sir E. H. K.	Rathbone, W.
Brise, Colonel R.	Fraser, Sir W. A.	Law, rt. hon. H.	Read, C. S.
Broadley, W. H. H.	Galloway, Sir W. P.	Lawrence, Sir T.	Repton, G. W.
Brooks, M.	Gardner, J. T. Agg.	Learmonth, A.	Ridley, M. W.
Brooks, W. C.	Gardner, R. Richard-	Lechmere, Sir E. A. H.	Ripley, H. W.
Bruce, hon. T.	son-	Lee, Major V.	Ritchie, C. T.
Bruen, H.	Garnier, J. C.	Legard, Sir C.	Rodwell, B. B. H.
Bulwer, J. R.	Gilpin, Sir R. T.	Leighton, S.	Round, J.
Butler-Johnstone, H. A.	Goddard, A. L.	Lennox, Lord H. G.	Ryder, G. R.
Buxton, Sir R. J.	Gordon, Sir A.	Lewis, C. E.	Sackville, S. G. S.
Callan, P.	Gordon, Lord D.	Lewis, O.	St. Aubyn, Sir J.
Cameron, D.	Gordon, rt. hon. E. S.	Lindsay, Col. R. L.	Salt, T.
Campbell, C.	Gordon, W.	Lloyd, S.	Samuda, J. D'A.
Cave, rt. hon. S.	Gorst, J. E.	Lloyd, T. E.	Sanderson, T. K.
Cavendish, Lord F. C.	Goschen, rt. hon. G. J.	Lopes, H. C.	Sandon, Viscount
Cavendish, Lord G.	Goulding, W.	Lopes, Sir M.	Slater-Booth, rt. hn. G.
Cecil, Lord E. H. B. G.	Gower, hon. E. F. L.	Lorne, Marquess of	Scott, Lord H.
Chaine, J.	Grantham, W.	Lowther, hon. W.	Scott, M. D.
Chaplin, Colonel E.	Greene, E.	Lowther, J.	Selwin - Ibbetson, Sir
Christie, W. L.	Greenall, Sir G.	Mac Iver, D.	H. J.
Clifton, T. H.	Gregory, G. B.	M'Kenna, Sir J. N.	Shirley, S. E.
Close, M. C.	Guinness, Sir A.	M'Lagan, P.	Shute, General
Cloves, S. W.	Gurney, rt. hon. R.	Majendie, L. A.	Simonds, W. B.
Cobbett, J. M.	Hall, A. W.	Makins, Colonel	Smith, W. H.
Cobbold, T. C.	Halsey, T. F.	Manners, rt. hn. Lord J.	Somerset, Lord H. R. C.
Cochrane, A. D. W. R. B.	Hamilton, Lord G.	Marten, A. G.	Sotheron-Estcourt, G.
Cole, Col. hon. H. A.	Hamilton, I. T.	Maxwell, Sir W. S.	Spinks, Mr. Sergeant
Coope, O. E.	Hamond, C. F.	Mellor, T. W.	Stanhope, W. T. W. S.
Corbett, J.	Hanbury, R. W.	Merewether, C. G.	Stanley, hon. F.
Cordes, T.	Hankey, T.	Mills, A.	Stanton, A. J.
Corry, hon. H. W. L.	Harcastle, E.	Mills, Sir C. H.	Starkey, L. R.
Corry, J. P.	Hardy, rt. hon. G.	Monckton, F.	Starkie, J. P. C.
Cotton, rt. hon. W. J. R.	Hardy, J. S.	Monk, C. J.	Stewart, M. J.
Crichton, Viscount	Hartington, Marq. of	Montagu, rt. hn. Lord R.	Storer, G.
Cross, rt. hon. R. A.	Harvey, Sir R. B.	Montgomery, R.	Sullivan, A. M.
Dalkeith, Earl of	Hay, right hon. Sir J.	Moore, S.	Swanston, A.
Dalrymple, C.	C. D.	Morgan, hon. F.	Sykes, C.
Dease, E.	Heath, R.	Mulholland, J.	Talbot, J. G.
Denison, C. B.	Helmshley, Viscount	Muncaster, Lord	Taylor, rt. hon. Col.
Denison, W. E.	Henry, M.	Muntz, P. H.	Temple, rt. hon. W.
Dick, F.	Hermon, E.	Naghten, Lt.-Col.	Cowper-
Digby, hon. Capt. E.	Hervey, Lord F.	Newport, Viscount	Tennant, R.
Disraeli, rt. hon. B.	Heygate, W. U.	Noel, rt. hon. G. J.	Thornhill, T.
Dodson, rt. hon. J. G.	Hick, J.	Nolan, Captain	Thwaites, D.
Douglas, Sir G.	Hildyard, T. B. T.	North, Colonel	Thynne, Lord H. F.
Downing, M'C.	Hinchbrook, Visct.	Northcote, rt. hon. Sir	Tollemache, hon. W. F.
Dunbar, J.	Hogg, Sir J. M.	S. H.	Torr, J.
Dundas, J. C.	Holford, J. P. G.	O'Brien, Sir P.	Tremayne, J.
Eaton, H. W.	Holker, Sir J.	O'Byrne, W. R.	Turner, E.
Edmonstone, Admiral	Holland, Sir H. T.	O'Callaghan, hon. W.	Verner, E. W.
Sir W.	Holmesdale, Viscount	O'Clery, K.	Wait, W. K.
Egerton, hon. A. F.	Home, Captain	O'Connor Don, The	Walker, T. E.

Walpole, rt. hon. S.	Wroughton, P.
Walsh, hon. A.	Wyndham, hon. P.
Walter, J.	Wynn, C. W. W.
Watney, J.	Yarmouth, Earl of
Wellesley, Colonel	Yeaman, J.
Wethered, T. O.	Yorke, hon. E.
Wheelhouse, W. S. J.	Yorke, J. R.
Whitelaw, A.	TELLERS.
Wilmot, Sir H.	Dyko, Sir W. H.
Woodd, B. T.	Winn, R.

## NOES.

Allen, W. S.	Howard, E. S.
Anderson, G.	Ingram, W. J.
Backhouse, E.	James, Sir H.
Balfour, Sir G.	James, W. H.
Burclay, J. W.	Jenkins, D. J.
Bush, A.	Kensington, Lord
Baxter, rt. hon. W. E.	Laverton, A.
Bazley, Sir T.	Lawrence, Sir J. C.
Beaumont, Major F.	Lawson, Sir W.
Beaumont, W. B.	Leatham, E. A.
Biddulph, M.	Lefevre, G. J. S.
Blake, T.	Leith, J. F.
Briggs, W. E.	Lloyd, M.
Bright, Jacob	Locke, J.
Brookhurst, W. C.	Lush, Dr.
Brogden, A.	Lusk, Sir A.
Brown, A. H.	Macdonald, A.
Brown, J. C.	Mackintosh, C. F.
Burt, T.	McArthur, A.
Campbell - Bannerman, H.	Maitland, J.
Carington, hn. Col. W.	Maitland, W. F.
Cartor, R. M.	Middleton, Sir A. E.
Cave, T.	Milbank, F. A.
Chadwick, D.	Morgan, G. O.
Chambers, Sir T.	Morley, S.
Cholmeley, Sir H.	Mundolla, A. J.
Clifford, C. C.	Norwood, C. M.
Cole, H. T.	O'Gorman, P.
Colman, J. J.	Palmer, C. M.
Cowan, J.	Pennington, F.
Cowen, J.	Potter, T. B.
Crawford, J. S.	Ralli, P.
Cross, J. K.	Rothschild, Sir N. M. de
Davies, D.	Russell, Lord A.
Davies, R.	Sheridan, H. B.
Dilke, Sir C. W.	Sheriff, A. C.
Dillwyn, L. L.	Simon, Mr. Serjeant
Dodds, J.	Sinclair, Sir J. G. T.
Earp, T.	Smith, E.
Edwards, H.	Smyth, R.
Forster, Sir C.	Taylor, D.
Goldsmid, Sir F.	Taylor, P. A.
Goldsmid, J.	Villiers, rt. hon. C. P.
Gourley, E. T.	Waddy, S. D.
Grieve, J. J.	Weguelin, T. M.
Havelock, Sir H.	Wilson, C.
Hayter, A. D.	Wilson, Sir M.
Hill, T. R.	Young, A. W.
Hodgson, K. D.	TELLERS.
Holland, S.	Jenkins, E.
Holms, J.	Richard, H.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

Committee report Progress; to sit again To-morrow, at Two of the clock.

## ADMIRALTY JURISDICTION (IRELAND) BILL.

## CONSIDERATION OF LORDS AMENDMENTS

Order read, for taking into Consideration the Lords Amendments.

Motion made, and Question proposed, "That the Lords Amendments be now considered."

MR. DILLWYN objected to the Amendments being considered until they had been printed.

THE CHANCELLOR OF THE EXCHEQUER said, that the Amendments had been printed for a week.

Question put.

The House divided:—Ayes 139; Noes 58: Majority 81.

Lords Amendments considered.

First Amendment read.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Biggar.*)

Motion, by leave, *withdrawn*.

Question again proposed.

Debate arising.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Sir Joseph M'Kenna.*)

Motion, by leave, *withdrawn*.

Original Question put, and agreed to.

Subsequent Amendments agreed to. [Special Entry.]

## NORWICH AND BOSTON (SUSPENSION OF WRIT, &amp;c.) BILL.

On Motion of Mr. ATTORNEY GENERAL, Bill to suspend for a limited period the issue of a Writ for the Election of a Member or Members to serve in Parliament for the City of Norwich, and to disfranchise certain Voters of the said City, and also certain Voters for the Borough of Boston, ordered to be brought in by Mr. ATTORNEY GENERAL and Mr. SOLICITOR GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 244.]

House adjourned at half after Two o'clock.



## HOUSE OF LORDS,

Tuesday, 11th July, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—

Public Works Loans \* (167).

*Second Reading*—Poor Law Amendment (150); County of Peebles Justiciary District (Scotland) \* (158).

*Report*—Local Government Board's Provisional Orders Confirmation (Bingley, &c.) \* (136).

*Third Reading*—Union of Benefices \* (147); Local Government Provisional Orders, Bristol, &c. (No. 6) \* (129); Waterford, New Ross, and Wexford Junction Railway (Sale) \* (133); Friendly Societies Act (1875) Amendment \* (149); Local Light Dues (Reduction) \* (132), and passed.

## POOR LAW AMENDMENT BILL.

(The Lord President.)

(NO. 150.) SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND AND GORDON, in moving that the Bill be now read the second time, said, that its object was to remove various inconveniences which had been experienced in the working of the Poor Laws. As it was now 40 years since the New Poor Law Act had been passed, it was not surprising that during that period some defects and inconveniences should have been discovered which required amendment. The remedies for these evils which had been suggested or adopted by the Local Government Board were embodied in the present Bill. These amendments might be arranged under four heads. It proposed, in the first place, a better division and arrangement of parishes forming unions and other local areas, and it gave power to annex isolated parts of parishes to the parishes by which they were surrounded. In the next place, it authorized various changes in the administration of the Poor Law; it gave power to the Local Government Board, under certain circumstances, to dissolve Unions or to change their names. The third part contained amendments of the Law of Settlement and Removal. The fourth related to the Poor Law as it affected the metropolis, enabled the managers of fever and small-pox hospitals, who might, under emergencies, have admitted persons not actual paupers into those institutions, to

recover from those persons all reasonable charges, in the same manner as Guardians were now empowered to do in respect of paupers. The advantage of the provisions for dealing with isolated parts of parishes would be apparent when he stated that there were no fewer than 13,000 split-up parishes in England and Wales, chiefly in the North. The provisions for re-adjusting areas and dissolving Unions were likewise calculated to be very useful. At present the Local Government Board, although they had the power of transferring parishes from one Union to another, could not dissolve a Union, however much such a step might be for the advantage of all parties concerned. Much benefit was also likely to result from the provisions for the consolidation of small Unions, especially in the Eastern Counties, where one workhouse would be sufficient for two or more Unions. With regard to the Law of Settlement, the Bill, as originally introduced, applied only to Irish people who came to England in search of work, but it had since been extended—with justice, he thought—to the country generally. It proposed that a continuous residence of three years should entitle a person to a settlement in a parish. That provision, he believed, would be of considerable advantage to the labouring classes who were compelled to migrate from one part of the country to another. There were some miscellaneous provisions in the Bill to which he might refer. The Bill repealed an existing enactment rendering it illegal to apprentice boys belonging to the metropolis at a greater distance than 40 miles from London—a provision which could not possibly be maintained in the present day, however right and proper it might have been in former times; and it enabled authorized Guardians to send any boy in receipt of relief who might desire to enter the naval service to any part or place for examination. The measure also gave a power which those who had any knowledge of the working of the Poor Law would agree was a useful and beneficial one—namely, that of treating a woman living separate from her husband who might not altogether have deserted her, but who had left her chargeable to the parish, in the same manner as a widow, and therefore applying the workhouse test to her; and it allowed the Guardians to permit husband and wife admitted

into any workhouse, being over 60 years of age, or disabled by infirmity or accident, to live together. The exemption of municipal corporate property from being rated to the relief of the poor was repealed, as was also the exception of the Inns of Court and Charterhouse from inclusion in any Union. These were the main points in the Bill. These provisions were founded on the experience of the Local Government Board of the workings of the Poor Law over a large number of years, and he believed that if the measure received the sanction of their Lordships it would effect a considerable improvement in Poor Law legislation. The noble Duke concluded by moving the second reading of the Bill.

THE DUKE OF SOMERSET regretted that so many miscellaneous subjects had been mixed up in that Bill. With regard to the alteration of the boundaries of Unions, he hoped that the Government would bear in mind that their great object should be to bring the area of Unions as near as they could to the area of counties.

LORD EGERTON OF TATTON pointed out that it would be impossible in some districts, which he named, to bring the boundaries of Unions to the boundaries of counties, although he believed it would be of great advantage if it were possible to do so.

LORD HENNIKER said, he should be glad to say a few words on one or two points in the Bill, and particularly as to one, that part of it which dealt with the Law of Settlement and Removal of the Poor, for he had ventured to bring this question before their Lordships on two occasions—in 1874 by a Bill to do away with removal, and again last Session by a Motion for a Return. He would not claim to have started this question, for it had been brought forward on several occasions, but he might say he had revived it. It had been discussed, since he first brought it before the House in 1874, all over the country, and public opinion had been brought to bear upon it. Whatever he might wish to see done eventually, he could not but thank Her Majesty's Government for the concessions they had made. It was, indeed, a great stride in the direction which, he believed, all those who wished to see the Poor Laws properly administered, and had the interest of the poor

at heart, with very few exceptions, could not but think was the right one. He had presided over, perhaps, the largest Poor Law Conference which had taken place in England a short time ago—all events, one of the largest—and then the feeling was strongly in favour of the abolition of the Law of Settlement and Removal. However, be that as it might, he was sure the feeling generally went in the same direction throughout the country, and that the steps taken by the Bill would be most acceptable. He should have been glad to have seen a difference made between the Irish and English paupers. The Irish paupers were, in some respects, on a different footing, and large towns, such as Liverpool, might have a claim to be specially considered. Under these circumstances, he would have been glad to see the settlement in England made to depend on exactly the same conditions as the present status of irremovability—namely, that three years should make a settlement for Irish paupers, and one year a settlement for English paupers—the same time as was now required to make a pauper irremovable in England for English paupers, and three years for Irish paupers, who would, in any case, gain no small advantage by the passing of the Bill. He would raise this question probably in Committee, when the proper time arrived. Another point he wished to touch upon—the great advantage the Bill would give in allowing Unions to be amalgamated. He did not think it was possible to amalgamate them generally, at present, as far as Boards of Guardians were concerned; but it might be done with great advantage for the purpose of providing house accommodation. It was quite true what the noble Duke (the Duke of Richmond and Gordon) had said as to the number of unnecessary workhouses in the Eastern district. In his own Union the question had been set on foot. The Union house and the one in the adjoining Union were nearly empty, and, probably, would never be full again, from various causes too lengthy to go into in their Lordships' House on that occasion. This was one of many cases, and what was more, not only could Union houses, unnecessary Union houses, be done away with under the Bill, but it would, he hoped, encourage the establishment of district schools. Even some of the empty

*The Duke of Richmond and Gordon*

workhouses, when they were done away with under the Bill, might be used for that purpose. There was actually only one separate pauper school in the Eastern Poor Law District at the present time, and that was in his own Union: all the other pauper children were in the workhouses, or boarded out. Nothing could be worse than to bring children up as paupers, and the advantage of these schools could be seen wherever they had been established. He had visited an excellent one at Anerley the other day, and could not speak too highly in praise of the way in which it was managed, or say too much as to the evident good work it was doing. If large and useless establishments were kept up, nothing was more unlikely than that ratepayers would be willing to establish district schools. Only one more point he wished to refer to—that of medical relief. In country districts it was the most pauperizing part of the present administration of the Poor Law; it made men paupers who would not in any other way become paupers. It was a comfortable way of receiving medical treatment. He hoped some Amendment might be introduced into the Bill in their Lordships' House to make medical relief in some manner less easily obtained.

THE EARL OF POWIS suggested that before any change was made in Unions ample notice should be given, so that all persons interested might have the opportunity of considering it. He understood that the Bill proposed to give parishes the *locus standi* to oppose a scheme, provided two-thirds of the ratepayers should desire it, which, in a parish like St. George's, would require the signatures of 7,000 ratepayers; but he would suggest that a small portion of the ratepayers—such as 10 or 20 of them—should have power to oppose.

LORD ABERDARE agreed with the opinion of the noble Duke (the Duke of Somerset) that the Bill dealt with too many subjects. He approved of the powers which the Bill would give for the purpose of amalgamating Unions, and of the powers which it would confer on the Local Government Board. It was quite right that there should be a power of amalgamation; but he thought that a smaller proportion of the parishioners should have power to oppose, if they objected to any proposed scheme. Some parishes were of an unwieldy character.

He lived on the border of two extensive parishes. On that border a large mining village had sprung up, and it contained no fewer than 8,000 people. One portion of the village was in one of those parishes, and the other portion was in the other parish. Why should not facilities be given to enable that distant portion of those two parishes to amalgamate with neighbouring parishes, and so form a new district?

LORD COTTESLOE said, no doubt it would be a very good thing if all Unions could be made conterminous with counties; but there were various circumstances connected with local administration which rendered that suggestion impracticable.

LORD REDESDALE believed the Bill would be a useful measure, and concurred in the view of the noble Lord (Lord Cottesloe) that Unions could not possibly be made conterminous with counties, because of the manner in which the Unions were situate, and for various other reasons concerning the management of Union affairs.

THE DUKE OF RICHMOND AND GORDON said, he had no reason to complain of the manner in which this measure had been received, because it was clear that the House was generally in favour of it, although various suggestions concerning details had been made which would receive careful consideration at the hands of the Government. He dissented from the opinion of the noble Duke and the noble Lord opposite (Lord Aberdare) that too many provisions had been introduced. The Government were placed in the dilemma of either inserting the several points which required alteration, or placing them in separate Bills, or else not dealing with them at all; and he maintained that the proper course had been chosen of inserting them in the Bill, for they would by no means hamper its passage through the House. He entirely agreed in the observations that had fallen from the noble Lord the Chairman of Committees as to the impracticability of making Unions conterminous with counties; but, at the same time, he must point out that the provisions for the dissolution and re-arrangement of Unions would tend to carry the proposal into effect wherever it was expedient to do so. The Act would come into operation directly it was passed, so that persons who had been residing three

## ELEMENTARY EDUCATION BILL.

(*Viscount Sandon, Mr. Chancellor of the Exchequer,  
Mr. Asheton Cross.*)

[BILL 155.] COMMITTEE.

On Question, "That the Preamble be postponed,"

MR. J. COWEN explained that he had on the previous evening moved to report Progress in order that several Gentlemen who had not spoken might have the opportunity of further urging the Nonconformist objections to the Bill. These Gentlemen had not come down at that early hour, and probably they thought, as he thought, that further remonstrance on the part of the friends of non-sectarian education would be hopeless. He did not wish to give a factious opposition to the measure; and, as the front benches on both sides of the House appeared to have agreed as to the course to be taken, he left it to them to arrange matters between them.

MR. STORER said, he thought that this subject had been viewed too much from an urban point of view. The agricultural ratepayers were, in point of fact, paying upon their incomes seven or eight or ten times more than those of the towns, and yet this Bill professed to make the rural districts contribute out of their Imperial taxation towards the educational expenses of the towns, which were much richer in proportion than the country districts. He hoped the Government would take some notice of this fact.

MR. MUNTZ said, he thought they had met to discuss the Education Bill, and not the question of rating, and therefore on that point would only say that the towns paid an average of 3*s.* 7*d.* in the pound, whereas the rural districts paid only about 2*s.* 6*d.* or 2*s.* 8*d.* in the pound. Some extraordinary statements had been made in the course of last night's discussion to the prejudice of his constituents, and from these statements the House might also infer that Birmingham was a nest of heathens. He was, therefore, anxious to say that among the members of the Church of England, the Roman Catholics, and the Dissenters of Birmingham were some of the most eminent men in this country, and that the school board had merely tried to carry out a system for religious education which had worked satisfactorily to

all sects for 12 or 14 years in New South Wales and South Australia. They had only undertaken the work of secular education, allowing certain times for religious instruction. The plan had failed because the Church of England and the Roman Catholics refused to carry it out. But the school board was not to blame for endeavouring to introduce a system which existed, under the sanction of the Imperial Government, in another part of Her Majesty's dominions, and which was there approved by the Church of England, by Roman Catholics, and even by Buddhists. At any rate, he did not wish it to be thought that the Birmingham School Board consisted of a body of men who wished for no religion. As to the Bill, he had hitherto supported it, but hoped that now in Committee Amendments would be introduced which would render it more palatable.

MR. WHEELHOUSE said, he desired before the House went into Committee on the Bill to call attention to a fact that seemed to have been overlooked. He was very anxious that something should be done for national schools, and that the voluntary schools and the national schools should be placed by this Bill on a better footing than at present, so as to avoid the difficulty into which they were now in danger of drifting — namely, that voluntary, national, and other school committees, although they had provided buildings and expended large sums on school houses, would never be able either to hold their own or to recoup themselves. No doubt some hon. Gentlemen opposite thought that it was advisable everything should be handed over to the school boards that permeated the country. He differed entirely from that view. He was anxious that religion should be taught in the schools, and there could be no question in the minds of most hon. Members on both sides of that House that while possibly some persons might object to the use of the Apostles Creed, the Lord's Prayer and the Ten Commandments ought to be taught in every school. He was one of those who would never dissociate religion from secular instruction. There ought to be in every school at least the option to the parent to send the child to a purely secular school, or to one where he would unquestionably receive religious instruction. The Bir-

mingham School Board had been very much reprehended for the course they had taken. He was not there to find fault with them, but he did complain that the National School Committee should not have the power to keep in their own hands so much of their own money as would educate their own children, and to allow the school board money to be so used that it might be applicable to education in which religion was taught along with the ordinary instruction.

MR. PEASE said, he should not have joined in this discussion had it not been for the attack made on the previous night by the right hon. Member for the City of London (Mr. Hubbard) on the British and Foreign School system.

THE CHAIRMAN said, the hon. Member would not be in Order in replying to the speech to which he referred.

MR. PEASE said, he would accept the ruling of the Chairman, and make no further allusion to the right hon. Gentleman's speech. With regard to the Bill itself—passing its Preamble—there were in the House three classes of educationalists. There were the advocates of secular education, who were divided into two sub-sections; one represented by the hon. Member for Merthyr (Mr. Richard), who, on religious grounds, declined to have anything but secular instruction in schools supported by the State, and the other—who were a small section of those who took an interest in the subject—composed of those who believed in no religious education at all. On the other side of the House there was the school of dogmatic Scriptural education. He belonged to a school of ardent friends of religious education, which he believed was common to the majority of the people of this Kingdom, and which, under the Education Act of 1870, had become the religious education of a large proportion of the children of this country. Between 40 and 50 school boards only, of which 28 were in Wales, had declined to have Scriptural education in their schools. Therefore, Scriptural education was carried on by about 1,000 school boards, and it was of the undenominational and general character which he thought the House would be willing to support. The great majority of the people of this country were op-

posed to State funds being devoted to dogmatic religious instruction, and the secular educationalists were a small minority. During the debate on the Act of 1870, 20 teachers from the National Schools Society, 20 from the British and Foreign Schools Society, and 20 from the Wesleyan School Board conferred together and reported that, putting aside the creeds and catechisms of the Wesleyans and the Church of England, the religious education was practically the same in all these schools, and this was the unsectarian religious education of about 1,000 school boards. Consequently, he maintained that the system of the British and Foreign Schools Society had not been a failure, and that it was the only one which could be generally approved by the House.

MR. SAMPSON LLOYD stated that the late Birmingham School Board, of which for three years he was Vice Chairman, had adopted an undenominational system of religious instruction, so simple that no parents objected to it; but the new board had abolished the unsectarian plan. The result was that 6,000 children were receiving from voluntary sources on two mornings in the week religious teaching of a certain kind, under no public authority or responsibility, and the children attending other schools, with accommodation for 7,000 children, never once in the whole year heard a word as to their duty to God or their neighbours. This might be copying an Australian system; but he hoped the House would see the change in its true colours. So far from the Birmingham School Board being pioneers of education, as some people regarded them, they ought rather to be considered to have served the less pretentious, but still useful, purpose of scarecrows to frighten the country from secular teaching, into the adoption of a better and more truly liberal system.

MR. MUNTZ explained that under the Australian system he had mentioned the education given was secular except on one day in each week.

LORD FRANCIS HERVEY hoped this irregular discussion of Australian systems and Birmingham squabbles would not be continued, and that the Committee would proceed with the consideration of the Bill.

SIR HENRY HAVELOCK did not accept the ruling of the noble Lord

that this discussion was irregular. He wished to remark that this question was not in a stage where it could be considered to be settled. Hon. Gentlemen opposite represented the opinions of a considerable section of the country, but they did not by any means represent the opinions of the majority. Those who shared his views were content to wait for a better time. The tendency of the Bill was to check the further adoption of school boards where they were not at present established. He did not pretend to say whether or not that was a fair solution of the education difficulty. He believed the education given by the State in State schools, while every facility was given to all denominations to carry on the religious instruction of their children, was what the country would have to come to, but they would have a great deal to get through in the interval.

VISCOUNT SANDON desired to express his thanks to the hon. Member for Newcastle (Mr. Cowen) for the handsome manner in which he had refrained on that occasion from pressing the views which he and some other Gentlemen opposite held in favour of secular education in order not to cause any further delay in going into Committee on the Bill.

*Motion agreed to.*

*Preamble postponed.*

*Bill considered in Committee.*

*(In the Committee.)*

*Preliminary.*

*Clause 1 (Short title), agreed to.*

*Clause 2 (Extent of Act), agreed to.*

*Clause 3 (Commencement of Act).*

VISCOUNT SANDON appealed to the hon. and learned Member for Oldham (Mr. Serjeant Spinks) to postpone the Amendment of which he had given Notice for Clauses 7, 8, 9, and 10, to take effect immediately after the passing of the Act, for the attendance at school of children habitually neglected by the parent, or habitually wandering and consorting with criminals and disorderly persons, and attendance at industrial schools. The Government were preparing with great care Amendments for the formation of day industrial schools, which he hoped to be able to submit to the Committee in two or three days'

time. He therefore asked the Committee not to pass any judgment on the question until after they had considered the Government Amendments, and also that his hon. and learned Friend would not press his Amendment until the subject was ready for full discussion.

MR. SERJEANT SPINKS said, he readily assented to the request of the noble Lord.

MR. W. E. FORSTER asked the noble Lord if he intended to postpone also Clauses 7, 8, 9, and 10?

VISCOUNT SANDON: Yes.

*Clause postponed.*

*Law as to Education of Children.*

Clause 4 (Regulation as to employment of child under ten, and certificate of education or previous school attendance being condition of employment of child over ten).

MR. HARDCASTLE moved, in page 1, line 21, after "ten years," to insert—

"Unless any such authority as is hereinafter in this Act referred to as the local authority shall have granted a certificate in writing certifying that such child has attained the age of nine years, and that the employment of such child is upon grounds which the said local authority has investigated and found sufficient: Provided, That the employment into which such child is taken is such that the child while employed will attend school half time."

The Amendment had been suggested to him by men of great practical experience, which had convinced him that the Act would operate most prejudicially on certain portions of the population, residing especially in Manchester and Salford. The clause laid down the hard-and-fast line that under no circumstances should a child less than 10 years of age be allowed to work at all. The experience of the Manchester School Board was that unless the clause was modified in the way he proposed it would furnish no inconsiderable number of occupants for the new industrial schools, towards the building of which the Government proposed to contribute. In many instances, when women as well as their husbands were employed in factories, they had to leave their homes at an early hour, and had no opportunity of seeing that their children went to school. The consequence of this was that many of these children became truants; whereas if they were allowed to go into some employment,

*Sir Henry Havelock*

upon condition of attending school half-time, they would be reclaimed from those truant habits, while they would be usefully occupied, and at the same time their instruction would be going on. He wished it to be distinctly understood that the Amendment was intended to meet exceptional cases, which, however, not unfrequently arose in the manufacturing districts.

MR. W. E. FORSTER said, there might be exceptional cases of hardship under the operation of the clause; but if the Amendment were adopted it would practically fix the age up to which a child could not be employed at nine years, and it would be impossible to maintain the limit of 10 years, owing to the pressure which would be brought to bear on the school boards, and this part of the Bill might as well be abandoned.

MR. MUNDELLA said, that the Factory Act of 1874 fixed the age for work in textile factories at 10, and it was only just to put all other industries on an equality, and not give an advantage to one over another. In the interest of the great mass of the Lancashire manufacturers, he hoped the noble Lord would not give way on this point.

MR. ASSHETON CROSS said, the Act of 1874 had been found to work very well. The only objection to it was that other employments were not under its provisions. One of the objects for which the Royal Commission was issued was to inquire not only into the operation of the Act, but to see how far other industries ought to be subjected to the same restriction.

MR. BIRLEY thought there was some misapprehension as to the object of the Amendment, which was not intended to undermine the clause, but to make the compulsory system gradual, instead of forcing all persons at once into the extreme limits contemplated by the Bill. It would facilitate education by an extension of the half-time system in certain cases under a continuance of the present law.

LORD ROBERT MONTAGU said, this Amendment would restrict the very stringent rule laid down in this Bill, not at the request of the parents, but on good grounds being shown by them to the attendance committee that it should be done. He should support the Amendment.

MR. HERMON said, the Amendment would inflict injury upon Lancashire, for its effect would simply be to produce a demand for the labour of children too young to enter the factories, and to counterbalance the benefits conferred by the Factory Acts, which had done great good. He hoped it would not be pressed.

MR. WHITWELL opposed the Amendment, urging that children outside the factories would be under less efficient supervision.

*Amendment negatived.*

MR. CLARE READ moved, after "ten years," to insert—

"3. That the child being of the age of nine years has made 250 school attendances in each of the previous four years, and since it reached the age of nine years made 250 school attendances, or had received a certificate fixed by Standard 4 of the Code of 1876."

VISCOUNT SANDON said, the Amendment was based on a misapprehension of Clause 5 as it would stand after the Amendment of which he had given Notice. After the opposition offered to a similar proposal on behalf of the manufacturing interest, it would be unfair and inconsistent on the part of the Government to accede to a similar request from their agricultural friends. As a matter of fact, children in the agricultural districts were often employed in the mornings and evenings in light labour, while they attended school during the day, and were thus able to earn 1s. 8d. a-week.

*Amendment negatived.*

MR. SANDFORD moved, in page 1, line 21, to omit that portion prohibiting the employment of a child—

"who, being of the age of 10 years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a public elementary school, as is in this Act in that behalf mentioned."

The hon. Member said, the clause as it stood would interfere with labour in a most objectionable manner. The object which the Bill arrived at was that a child should learn to read, write, and cypher, and if it did not learn to do so, having been at school from the age of 5 to 10 years, it was probable that it would never learn. To prevent such a child

from obtaining employment in the agricultural districts between the ages of 10 and 14 would be intolerable. The labour question was difficult enough at present, and instead of endeavouring to increase they should do all in their power to lessen the difficulty. Much as he was opposed to compulsion, he should prefer it to the system proposed by the clause that a limit of 10 or 12 years should be fixed up to which a child could not be employed, provided he were left free after that age.

SIR WALTER BARTELOT contended that agricultural children could not be dealt with in the same way as manufacturing children in towns. It was much better, in his opinion, that they should have compulsory education of children between the ages of 5 and 10 years than that they should be prevented from earning their livelihood between the ages of 10 and 14. He quite believed that this portion of the Government Bill would break down altogether in the agricultural districts. Why should children between the ages of 10 and 14 be prevented from working because they had not attended school a certain number of times between 8 and 10 years? He should like to hear some explanation on this point from the noble Lord who had charge of the Bill, because he felt quite assured that if the provision objected to became law it would cause much dissatisfaction among the agricultural classes.

COLONEL RUGGLES - BRISE supported the Amendment, and said he had always been favourable to direct compulsion. He should be sorry to interpose any obstacle to the passing of the Bill; but if his hon. Friend below him went to a division he should vote with him on the principle that he was in favour of direct, as distinguished from indirect, compulsion.

VISCOUNT SANDON said, that the Amendment really raised the question between direct and indirect compulsion. Now, the Government had taken their stand upon the proposal that they had made, that they should not apply direct compulsion in all cases. They proceeded upon the presumption that the great majority of well-doing industrious parents, if the temptation of getting their children's earnings were withdrawn from them, would do their duty without being embarrassed by attendance officers. If

they adopted the Amendment of the hon. Member for Maldon, and did away with the labour pass, they must adopt the other alternative and go in for universal compulsion, which meant universal inspection and universal school authorities. He was very glad to find that which he had never doubted—that there was so much earnest zeal for the promotion of education among those who were connected with agriculture; but then he regarded that portion of the Bill against which the Amendment was directed as essential, and he could not therefore consent to depart from it.

MR. W. E. FORSTER observed, that the 10th clause of the Bill as amended by the noble Lord would practically introduce a measure of direct compulsion. He had no doubt that the labour pass would be of considerable advantage, and should be sorry if it were disregarded. He could not vote for the Amendment; but he hoped that some provision might be made for a half-time system between 10 and 14.

MR. STORER said, that if the age of 12 years were substituted for 14 they would get out of the difficulty. Many lads were so dull that they would never pass Standard IV. even if they were kept at school till 21 years of age.

MR. WHITWELL opposed the Amendment, believing that the clause would operate beneficially.

MR. EVANS remarked, in reply to what had fallen from the hon. and gallant Member (Sir Walter Bartelot), that the half-time system had been found to work beneficially in the case of agricultural children.

MR. CLARE READ said, he would support the Amendment. As it at present stood the clause would allow children between 5 and 10 to wander about idle for half of the year. If the Amendment were carried he hoped that something more definite would be done for children between 5 and 10.

LORD ROBERT MONTAGU observed, that hon. Gentlemen opposite seemed now to be in favour of universal compulsion. He (Lord Robert Montagu) was not so easily converted, and would therefore vote against the Amendment of the hon. Member for Maldon.

MR. WILBRAHAM EGERTON suggested that, in the clause defining child, the word "fourteen" should be left out, and the word "twelve" substituted.



MR. RITCHIE said, that if the concession now asked for were made in the case of agriculture, the same relaxation should be made in the case of children employed in manufactories under the Factories Acts.

MR. HENLEY deprecated one uniform law applying to poor families under all circumstances. He should therefore hesitate to support the Government on this question. The first necessity of children was to eat, and the parent's first duty was to feed them. If these half-fed children were forced to school—especially one in which they were taught no religion—they would be very apt to lay their hands on what they could. An enactment of this sort should not be too sweeping; there should be some modification in the case of large families or the children of widows, and he should support the Amendment.

MR. ISAAC said, that direct compulsion was not required in the borough of Nottingham, and he should support the Bill as it stood.

MR. J. K. CROSS thought there should be direct compulsion up to the age of 10, and then there would be no occasion for the cruel enactment that children up to 14 should not be allowed, under certain circumstances, to earn their own living. He doubted whether the fear of punishment four or five years hence would force parents to do their duty at present.

*Amendment negatived.*

LORD FREDERICK CAVENDISH observed, that the clause imposed a penalty on any person employing a child under 10 years of age unless it could be proved that he had acted in good faith, in which case the penalty would fall on the parent. He believed that such penalty would be unworkable, and moved, in page 1, line 23, after "certificate," to insert "of age and." The enactment without some such security would be inefficient and worthless.

VISCOUNT SANDON admitted the necessity of some *bond fide* arrangement of the nature pointed out, but thought it might be more conveniently introduced into the 15th clause.

*Amendment, by leave, withdrawn.*

VISCOUNT SANDON moved, in page 1, line 25, to leave out "public elemen-

tary," and insert "certified efficient," in order that schools that were giving a sound education might count equally with the public elementary schools.

*Amendment agreed to.*

LORD FREDERICK CAVENDISH moved, in page 1, line 26, at end, to add—

"Unless such child is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any bye-law of the local authority sanctioned by the Education Department, regulating the attendance at school of children who are necessarily and beneficially employed."

His object was to exempt from the necessity of a certificate persons employed under the Factory Acts or attending schools in accordance with bye-laws framed by any of the local authorities. He contended that such certificates were unnecessary, and would be practically inoperative, as they had been in the case of the Mining Acts; while, according to the Report of Mr. Tuffnell, in 1867, the enforcement of such certificates would compel Inspectors to visit every parish, and every school in every parish, four times every year, in order to examine the children. It would be a great advantage in such cases to make employment and education simultaneous, under the half-time system. If they accepted his Amendment it would not in any way affect those districts where compulsory education was now carried out, and he trusted, therefore, that the noble Lord would not object to it.

MR. J. K. CROSS supported the Amendment on the ground that it might open the way to the adoption of the principle of half-time in the agricultural districts.

SIR WALTER BARTTELOT expressed his gratification that the Amendment had been moved, and declared his readiness to vote for it. The proposal was one that went in the right direction, and he was sure it must commend itself to the mind of everybody.

MR. KAY-SHUTTLEWORTH also supported the proposal. If adopted it would be extremely valuable in the agricultural districts. He hoped the Government would support it, as it would tend to carry out their own principle of compulsion.

MR. KNOWLES hoped the Amendment would be adopted, if only for the sake of uniformity.

MR. W. E. FORSTER, would also express a hope that the Vice President of the Council would accept the Amendment. He did not like to relax the stringent provisions as to education that were necessary; but unless this Amendment were adopted it would be impossible to work this clause. They were all agreed that these children between 10 and 14 ought to be working to a certain extent, and it was important that no obstacle should be thrown in the way of a child earning its own livelihood after 14. What he and the noble Lord desired to effect was that between these ages a child should be allowed to go both to work and to school until it had had schooling enough, when it should be allowed to devote itself to work altogether. The noble Lord said the child must either have had schooling enough or must show a sufficient number of attendances; but, through the fault of the parent and not the child, he might not have had the proper number of attendances, and there would be several cases in which the child would not be able to pass the Standard or the attendances. What ought to be done in such cases? The child ought not to be prevented from working. He would not deny that the desire to get hold of the labour pass would affect the minds of parents; but the Legislature ought not to subject ignorant and neglected children to the additional calamity of idleness.

MR. HERMON thought the proposal was a step in the right direction, and ought to be embodied in the Bill.

VISCOUNT SANDON said, that the balance of argument was in favour of the relaxation of the clause in accordance with the wish of the noble Lord, but he could not promise to make any amendment to Clause 7 in the same direction. He was happy, on the part of the Government, to accept the improvement of the Bill proposed by the noble Lord.

LORD FRANCIS HERVEY remarked that the provisions affecting the employment of children were scattered up and down the Bill in such a way that it would be somewhat difficult for the poor people to whom this applied to apprehend them.

MR. FAWCETT feared that the effect of the Amendment would be to encourage parents in wilful neglect in sending their children to school because they would say "Our children will obtain work

whether there has been the required number of attendances or not." The result would be to entirely destroy the system of indirect compulsion between the ages of 5 and 10. If this was done to the extent proposed they should have some security that the system of direct compulsion between those ages should be strengthened.

LORD FREDERICK CAVENDISH reminded his hon. Friend of the important Amendments already made in the Bill, and of the provision made for the attendance of such children.

*Amendment agreed to.*

LORD ROBERT MONTAGU moved to add at the end of the Clause—

"Provided, that a list of Public Elementary and other Schools where efficient elementary instruction is given (whether such schools are or are not in receipt of grants provided by Parliament) shall be annually published by the Committee of Council on Education; and that the list so published, or any supplementary list published during the year, on the request of the local authority or of the managers of a school, shall be sufficient evidence that every school so named is an efficient elementary school."

There were 534 Catholic schools, and he knew not how many Nonconformist, which might be affected unjustly in this way. If a school were inspected, and the Inspector reported that it was not quite efficient, it would have to be shut up; but if proper efforts were made it might be made efficient, say within 10 months. He thought justice required that such a case should be met. If he received a proper assurance from the noble Lord opposite he would not press the Amendment.

VISCOUNT SANDON thought it was hardly necessary to insert such a provision, because he did not think the local authorities would be rash enough to close a school such as the noble Lord had described. If, however, he found on further consideration that further provision was required he would be happy to meet the views of the noble Lord.

*Amendment, by leave, withdrawn.*

MR. W. E. FORSTER called the attention of the noble Lord to the position of the canal children throughout the country. He was not going to propose any Amendment, because he believed the noble Lord had the case under consideration. He knew how difficult it was to ascertain precisely the residences

of such children, of whom there were a great number, chiefly located in the canal boats.

VISCOUNT SANDON admitted the importance of the subject. Though he thought these children would to a certain extent be caught under the operation of the Bill, yet he was afraid that great numbers of them would succeed in eluding its provisions. In fact, they were a class of children with whom it was extremely difficult to deal, and he was disposed to think that the best course to pursue would be to postpone the further dealing with our canal population until the time when his right hon. Friend the Secretary for the Home Department would have to legislate with respect to the various labour suggestions of the Factory Commissions. If, meantime, he found any opportunity of dealing with the question he should be glad to do so.

LORD ROBERT MONTAGU was of opinion that it would not be well to defer dealing with the subject for so long a time.

Clause, as amended, *agreed to*.

Clause 5 (Enforcement of Act by existing local authority of inspectors of factories or mines).

VISCOUNT SANDON moved, in page 2, line 5, to leave out from "district," to "in this Act," in line 10, and insert—

"By a committee (in this Act referred to as a 'school attendance committee') appointed annually, if it is a borough, by the council of the borough, and, if it is a parish, by the guardians of the union comprising such parish.

"A school attendance committee under this section may consist of not less than six nor more than twelve members of the council or guardians appointing the committee, so, however, that, in the case of a committee appointed by guardians, one-third at least shall consist of *ex-officio* guardians, if there are any and sufficient *ex-officio* guardians.

"Every such school board and school attendance committee."

They were anxious, if possible, to attach the best people in the district to Boards of Guardians and to Town Councils. He trusted that, indirectly, this would strengthen the district local government of the country, and that change, he hoped, would add very much to efficiency.

SIR WALTER BARTTELOT thanked the noble Lord for having introduced into the Bill an Amendment

substantially such as he had himself proposed, and expressed his confident opinion that it would be found to work well throughout the country.

MR. W. E. FORSTER was very glad the noble Lord had made this alteration, and that he had not adhered to the proposal that authority should be given to persons not of the local authorities. The noble Lord had up to this time completely fulfilled his promise that he would listen to proposals for improvement from all parts of the House. He would suggest whether there were not some districts where it would be almost impossible to secure the proportion of one-third of *ex-officio* Guardians.

VISCOUNT SANDON thought it would be well to follow the precedent that had been adopted for guidance.

MR. PELL said, that from his experience *ex-officio* members were not so willing to act as elected members.

MR. PEASE said, he was much pleased with the alteration proposed to be made in this section. As the clause stood it would not work well.

CAPTAIN NOLAN objected to the committee consisting of one-third *ex-officio* Guardians. He did so because it was likely to make a precedent for Ireland, and there it would not at all work well.

MR. CLARE READ said, it would be better to amend the Amendment by providing that, in case an adequate number of *ex-officio* members could not be obtained, the deficiency should be made up by elected Guardians.

MR. PAGET could not conceive on what ground it was assumed that *ex-officio* Guardians would not discharge their duty as members of the education committee.

*Amendment agreed to.*

MR. W. E. FORSTER moved, in page 2, line 13, after "known," to insert—

"It shall be the duty of such local authority to report to the Education Department any infraction of the provisions of section seven of 'The Elementary Education Act, 1870,' in any public elementary school within their district which may come to their knowledge; and also to forward to the Education Department any complaint which they may receive of the infraction of those provisions."

He hoped that this Amendment would commend itself to the Government and

the Committee generally. It was designed to guard against an evil which every Member of the House would wish to see prevented, and in a way that was not open to objection. He did not believe that the Conscience Clause of 1870 had been often infringed. Indeed, he was not himself aware of any such case. But there was great fear of its being infringed, and it was a suspicion which must be treated by the Government and the House as a fact. Some security, therefore, should be provided against such infringement. He could not vote last evening for the Amendment of the hon. Member (Mr. Richard), believing that it would not work well if the schools were put under the management of the local authority. But as the power now to be given to the local authority would benefit the schools by obtaining for them a larger grant and larger fees from the children, it was only fair that the local authority should report to the Education Department if the conditions were infringed upon which their compulsory powers were exercised. The Amendment also provided that the local authority should forward to the Education Department any complaint made to them of the infraction of the Conscience Clause.

VISCOUNT SANDON observed, that the Government and all hon. Members on that (the Ministerial) side were as anxious as any hon. Members on the other side could be that there should be no doubt as to the Conscience Clause being strictly and honestly carried out. In point of fact, the cases were very few in the country generally in which there were any complaints of the infraction of the clause; but whenever a complaint was received by the Education Department they immediately caused inquiries to be made into it. They had had two or three cases, and the school had been notified that if the infraction were repeated the annual Parliamentary grant would be stopped, and there was an end of the matter. He thought that the Amendment was a very good one, not for removing any real difficulties which existed; but if it was an additional assurance to persons that their conscientious scruples would not be interfered with, it would have done good work.

LORD ROBERT MONTAGU contended that as no grant was made to certified efficient schools they ought not

to have a Conscience Clause imposed upon them.

MR. PAGET said, he agreed with the noble Lord (Viscount Sandon) that all wished to see the Conscience Clause carried out in the most complete and loyal manner. He feared that the Amendment, if accepted in its present shape, would oblige the local authorities to report any idle tale or rumour as to the infraction of the clause, and if so it would do great mischief and cause strife where we wanted peace. He would therefore move to amend the proposed Amendment by omitting all the words after the word "authority" in line 2 down to "also" in line 5.

MR. W. E. FORSTER pointed out that it was not a mere rumour, but an infraction of the provision of the section referred to that should be reported.

MR. A. MILLS said, he could not conceive words more clear than the terms in which the Amendment was drawn. It was satisfactory to the Committee to have the testimony of the right hon. Gentleman the Member for Bradford that he had known of no infraction of the Conscience Clause.

MR. RICHARD said, he was greatly obliged to the right hon. Gentleman the Member for Bradford for proposing the Amendment, and he was no less obliged to the noble Lord (Viscount Sandon) for the frank and generous spirit with which he had received it. It would be a great advantage to give this power to the local authorities.

Amendment (*Mr. Paget*), by leave, withdrawn.

Amendment (*Mr. W. E. Forster*) agreed to.

THE O'CONOR DON moved, in page 2, line 16, to leave out "and not of," and insert "to assist." If the clause were left unaltered it would throw upon the Inspectors of Factories, and upon them alone, the duty of looking after the children employed in all the smaller workshops, and the consequence would be that in a great portion of the country the Act would be inoperative. The effect of his Amendment was to throw upon the local authorities the duty of enforcing the observance of the law, providing at the same time that the Inspectors of Factories should assist the local authorities in the carrying out of that duty.

*Mr. W. E. Forster*

MR. W. S. STANHOPE said, some Amendment was absolutely necessary in the mining districts, where the Inspectors had so many important duties and large districts to attend to; thus it would be impossible for them to attend to the schools in the manner required by the Bill.

MR. A. M'ARTHUR said, it was utterly impossible that the Inspectors could do what this clause imposed upon them.

VISCOUNT SANDON admitted that it would be imperilling too much the interests of education if they relied solely upon the Inspectors, and he would therefore accept the Amendment of the hon. Member for Roscommon.

Amendment agreed to.

Clause, as amended, agreed to.

Committee report Progress; to sit again upon Thursday.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

#### CORONERS.—RESOLUTION.

LORD FRANCIS HERVEY, in rising to call attention to the Law respecting Coroners and Coroners' Inquests; and to move—

"That further legislation is desirable with regard to the qualification and appointment of Coroners and the mode of holding inquests,"

said, the conditions on which Coroners were appointed and the mode in which they exercised their duties had become so antiquated and obsolete as to call imperatively for reform. The number of Coroners in counties in England and Wales was 233. The number in boroughs was 99. The first thing that struck one in examining the Return from which he obtained these figures was the anomalous manner in which Coroners were distributed. The county of Middlesex, for instance, was satisfied with five. The county of Huntingdon was not satisfied with less, whilst the county of Dorset was not satisfied with less than 11. Norfolk had seven, and Suffolk five, in addition to Coroners at Bury St. Edmund's, Ipswich, Yarmouth, Norwich, Thetford, Sudbury, and King's Lynn.

Manchester and Liverpool, again, had only one Coroner a piece, while the borough of Malmesbury thought itself entitled to two, though he did not suppose cases of sudden death were more prevalent there than elsewhere. But it was in the qualifications of Coroners that the necessity for reform was most evident. In counties, for instance, one of their qualifications was believed to be the possession of a certain amount of landed estate, but no two authorities could agree as to how much it should be. In fixing that qualification our ancestors were supposed to have aimed at securing for the office the services of men who as being possessed of lands in fee would not be afraid of anybody; but it was unnecessary to say that the possession of land was a ridiculous qualification for a Coroner at the present day. The qualification of borough Coroners was even less satisfactory than that of their county brethren. All that was necessary in their case was that they should answer to the somewhat vague description of being fit persons, and that they should be neither aldermen nor councillors. To any reasonable mind it was perfectly ridiculous that functions of so important and delicate a character as those of Coroners should be left to auctioneers, retired tradesmen, and other persons of a similar kind. He did not believe, for his part, that they could be properly discharged by any man who had not a good legal training. He would say, indeed, that no one but a barrister or a solicitor ought to be made a Coroner, though he was well aware that *The Lancet* and other medical organs, which regarded such appointments as a nice perquisite for their profession, would raise an outcry at the bare idea of such a thing. In counties Coroners, generally speaking, were elected by the freeholders, and however reasonable that mode of election might have been in ancient times, it was far from being reasonable now-a-days. In these days there could hardly be a worse way of appointing a judicial officer like a Coroner than by exposing him to the chances and changes of a popular election. Of our 232 county Coroners, 175 were elected by the freeholders, and 58 by lords of manors and various officials and dignitaries of that description. In Derbyshire a Coroner was appointed by right of the possession of a horn—a

hereditary relic. In Essex a Coroner was appointed by the tenants of a manor; in the county of Northampton by the Ecclesiastical Commissioners; in Suffolk by the Dean and Chapter of Ely. The case of the boroughs was, perhaps, better than that of the counties. The borough Coroners were elected for the most part by the Town Councils. In the small boroughs there was likely to be a good deal of jobbery, and perhaps in some of the large ones also. In the boroughs of Rye, Tenterden, and Haverfordwest the Mayor was *ex-officio* the Coroner. He should not like to live, or rather to die suddenly, in any of those boroughs, because the inquest then held would probably be of the most imperfect character. The question of the appointment of Coroners, therefore, required a solution of a radical kind, and yet the needed reforms could be based on several ancient precedents. They had centuries ago ceased to appoint magistrates or sheriffs by popular election; and his proposition now was that Coroners should in counties cease to be chosen by the freeholders or appointed by lords of manors or other authorities such as had been mentioned before. To storm the municipal corporations was a more difficult matter, and he felt some alarm in suggesting that they should be deprived of their patronage. He now came to the remuneration of these officers, about which there had been much difficulty and squabbling between Coroners and Justices. Formerly county Coroners were paid by fees, when the county Justices used to do all they could to prevent their payment. The result was that if the Coroner did not hold an inquest he was liable for nonfeasance; and if he did he was almost sure to lose his fees. A Royal Commission and a Select Committee, however, some years ago inquired into that matter, and an Act was passed which put the remuneration of county Coroners on a proper footing by giving them fixed salaries. Borough Coroners, however, were still paid by fees, and in an inconvenient and even absurd manner, as was shown by a Return relating to that matter which was issued in 1872. But the real pith and substance of the question he had to introduce related to the duties of Coroners. He passed by inquiries into wrecks, treasure trove, and other minor duties of Coroners which were now prac-

tically obsolete, only remarking that many years ago the Coroners, in retaliation for the injury done them by Justice, attempted to claim a jurisdiction in cases of arson. The Court of Queen's Bench seemed to have been sorely perplexed at the array of antiquarian arguments marshalled before them, but at last decided very sensibly that Coroners were not to inquire into incendiary fires or into anything but the death of human beings. The function of Coroners, then, was to make inquiry into all cases of violent, unnatural, or sudden, and suspicious death, but still their duties were not clearly laid down or clearly understood. He had been told of a case of most sudden and suspicious death, which occurred within the last few months, where the Coroner absolutely refused to hold an inquest, and where, though application was made to high authorities, nothing was done, and it was supposed that nothing could be done to make him hold one. He believed that as the law now stood, if a Coroner refused to hold an inquest where one ought to be held, an application could be made to the Court of Queen's Bench by the Attorney General. But that was a roundabout way of getting him to do his duty, because if he did not hold the inquest at once he might as well not hold it at all. The inquest must be held *super visum corporis*; and if there was much delay this might become impracticable. It was, therefore, a matter of importance that if the Coroner neglected his duty, there should be some machinery for promptly compelling him to do it. On the other hand, within the last year or two they had several times heard of a Coroner exceeding his duty, and obtruding himself without cause upon the private grief of a family to their great annoyance and discomfort. The Home Secretary was obliged to deal with a case of that kind not long ago when an eminent man died. Coroners certainly had not been very successful from the dawn of their history. The first mention of them that he found was that King Alfred hanged a Judge for treating a Coroner's inquest as conclusive. We were not so foolish in these days as to treat an inquest as conclusive. He need not remind the House of the scene in *Hamlet* which had immortalized "Crown's quest law." Lord Holt had made some very severe remarks on

*Lord Francis Hervey*

a "weak, silly" Coroner of his day. At no time did Coroners seem to have been treated with respect. Blackstone spoke strongly of the incompetency of Coroners, and, coming down to the present time, Sir John Jervis, in his book on Coroners, spoke of them as being in some instances incompetent to discharge even their present limited authority. So that, looking at the history of Coroners' jurisdiction on the whole, it might be said of those officials that, like the unfortunate maid-servant in *Barnaby Rudge*, they had "failed to give satisfaction." But was there nothing to be said in excuse for Coroners? The statute law relating to Coroners and Coroner's inquests was contained in something over 30 different Acts of Parliament. But if the Statute Law on the subject was confused and intricate, it was almost impossible in any case to say what was the Common Law on those matters. When a Bill on that question was brought in, as it must be before long, he hoped that some effort would be made to remove the obscurities and clear up the doubts and difficulties which beset Coroners on all sides in the discharge of their duties. At any rate, the Statute Law on the subject should be reduced to a single Act, and if the Home Secretary could at the same time clear up the doubtful points, or at any rate some of them, in the Common Law, he would do very serviceable work. For instance, what was to be done if a Coroner did not properly discharge his duty? The Attorney General had found it a very difficult matter to get a fresh inquiry in a case where the performance of the Coroner was admitted to be perfunctory and imperfect. The Attorney General knew how difficult it was for him to say what was the proper remedy in such a case, what was the proper mode of proceeding, and how many different modes of proceeding there were. There were a few other suggestions which he would make with regard to the manner in which inquests were held. Could anything be more prejudicial to the proper holding of a Coroner's inquiry than the holding of it, as was so often the case, in a public-house? Surely there was something perfectly disgusting in holding an inquiry so solemn and sometimes so delicate in a public-house with jingling glasses and the shouts of drunken persons all around. As to the publicity of

the proceeding, to his mind it was of cardinal importance that a judicial inquiry of this kind should be taken in the full light of day, and that it should not be open to the Coroner, from mere caprice or a desire to make a show of his authority, to clear his court—a Court of Record—of all the public, and conduct the proceedings as he pleased in the dark. That was surely a very important point. Was it advisable that we should invariably have recourse to a jury in inquiries of this kind? Did a jury really assist the Coroner? In many cases was not the Coroner impeded in the inquiry by a jury? The Coroner was supposed to take down the evidence of the witnesses in writing, and to procure the signature of the witnesses to it. On this point the law was obscure. But the Coroner sometimes took down the evidence wrong, and did not read it over to the witness. Was it to be tolerated that statements should be put into the mouths of witnesses which they never made? The object which our forefathers in their wisdom wished to attain by establishing Coroners throughout the country was that in cases of sudden or violent or suspicious death there should be a searching and immediate inquiry. They wished, as far as they could, that that inquiry should be held before officials of whose abilities there was no question, whose character was beyond reproach. We could not altogether say that that was the case now. It was surely not less necessary in these days than of old that a Coroner's inquiry should be searching and immediate and before competent persons. He thought he had made out a case for a considerable and a speedy alteration of the law on this subject. The noble Lord concluded by moving the Resolution of which he had given Notice.

MR. SERJEANT SIMON, in seconding the Motion, said, the House was indebted to the noble Lord for having brought under its attention this subject, which was only one of many illustrations of the extent to which the English nation was apt to tolerate an evil until some striking instance of wrong occurred. A recent case had brought the question of Coroners' inquests under public consideration. The office of Coroner was one of the oldest judicial offices on record. In olden times Coroners were not allowed to take fees. Their office was a

most dignified one, and Chaucer, in his description of the Franklein mentions it thus—

"At sessions ther was he lord and sire,  
Ful often time he was knight of the shire,  
A shereve hadde he ben, and a coronour,  
Was no wher swiche a worthy vavasour."

In fact, by the Statute of Westminster I. none but "lawful and discreet knights" were to be chosen as Coroners, and in the reign of Edward III. a Coroner was removed from office because he was only a merchant. He (Mr. Serjeant Simon) greatly doubted the utility of the office of Coroner at the present time. If we had stipendiary magistrates all over the country he would say, transfer the duties of Coroner to them. But as that was not practicable we had to consider how we could best give effect to the object for which the office of Coroner was intended. Coroners had formerly to inquire into wrecks and to perform the duties of the Sheriff during his absence, and they thus combined judicial with administrative functions. The office, however, at the present time was purely judicial, involving great responsibility and requiring judgment and tact, and great experience in the ways of life. The Coroner should possess legal knowledge to enable him to conduct his inquiries efficiently and delicacy of feeling and a wise discretion to know when it was necessary and when it was unnecessary to intrude into the privacy of a sorrowing family. He could name one signal instance where a lady having died by her own hand the Coroner had directed a *post mortem* examination for the purpose of ascertaining not the cause of death, but her condition which had led her to take her own life; and there were cases where Coroners through want of tact and delicacy had unnecessarily dragged matters to light which could serve no public good, and would have been better left in darkness. He had many communications corroborating his assertion that many Coroners discharged the duties of their office inefficiently, and often so as to render the inquiry a mere waste of public time and expense, and as a means for the promulgation of idle gossip. In his opinion, the office should be filled by a trained lawyer accustomed to judicial proceedings, and qualified to deal with evidence, and not by a medical man. On the question whether these inquiries should be

conducted openly or in private he referred to a decision of Lord Tentardam, in which that learned Judge laid it down that as an inquest was a preliminary inquiry in which the reputations of persons might unnecessarily be placed in jeopardy, it should be left to the discretion of the Coroner whether or not it should be held openly or in private. Occasions might arise on which unnecessary pain might be occasioned to surviving relatives and friends by the holding of public inquests, and therefore power should be given to Coroners to hold inquests in private; but, as a power of this kind might be abused, it was important that every person chosen to fill the office of Coroner should not only possess the necessary professional ability, but should be a man of the highest character. He ought to be above suspicion of corruption, and should be a man of honour and a gentleman. With reference to the mode of the appointment, nothing could be less conducive to the credit of the office than the mode of election. He had great regard for popular election when applied to its proper objects; but certainly objected to popular election when applied to a judicial office. The contest for the office often turned upon the question of who could spend most money. Altogether it seemed to him that it was well worthy the consideration of the Home Secretary, whether the time had not come for bringing in some measure which would remedy the evils complained of. For his own part, he agreed with the noble Lord as to the need there was for a consolidation of the laws relating to Coroners, an alteration of the mode of appointment, and the providing of some guarantee that Coroners should be men of character and possessing proper qualifications for the office.

Motion made, and Question proposed,

"That further legislation is desirable with regard to the qualification and appointment of Coroners and the mode of holding inquests."—  
(*Lord Francis Hervey.*)

MR. CLARE READ, in supporting the Motion, said, he was prepared to go further than his noble Friend who had brought the question forward, and to say that the time had arrived when the office of Coroner might be abolished altogether with very satisfactory results. The office was a very ancient one, but

*Mr. Serjeant Simon*



it was of no use continuing it if it was not required. In 90 per cent of inquests held the verdict was one of death from natural causes, and he believed that a great number of inquests were held when they were entirely unnecessary, and much trouble and expense were thereby entailed upon everybody concerned. He hoped to live to see the day when a great change would be made in the mode of these inquiries, some of which would be much better made before magistrates. One of the chief difficulties arising from the existing state of the law was that the jurisdictions of the Coroners overlapped each other, and the people who found it necessary to suggest the holding of inquests did not know to which Coroner in a county, or a division of a county, application should be made. With regard to the mode in which Coroners were elected, there were many absurdities that ought to be swept away. As they had heard, there were no fewer than seven different Coroners for Norfolk, while in East Anglia there was one Coroner an auctioneer, another a land agent, a third a doctor, a fourth called himself a gentleman, but he (Mr. Read) really did not know what he was by profession, and there were two or three who were lawyers. Could anything be more confusing, perplexing, or stupid than this arrangement? Conservative as he was, he was enough of a Reformer to think that the time had come when the office of Coroner might be abolished, and when better arrangements might be made for the fulfilment of the duties of the office.

MR. SHAW LEFEVRE said, the noble Lord opposite had done good service in bringing the subject under the consideration of the House. He had not expected, however, to hear the question treated in so radical a spirit as had been evinced by the hon. Gentleman who had just sat down; and he could not go so far as to say that Coroners ought to be abolished, as there was a great deal of work which could be properly and justly done by Coroners. The recommendations of the noble Lord were more practical. He agreed with the noble Lord that the existing mode of appointment was unsatisfactory, and that a change was necessary; but as to how the appointments should be carried out that was a difficult matter to decide. He should

not like to see all these appointments centralized in the Home Office, although it would probably be acceptable to almost every Member of the House that the responsibility of choosing the body which should in future appoint the Coroners should be left with the Government. Inquiries before the Coroner had often to be re-opened, and of late there had been many cases of complaint of this kind in relation to Coroners, and there was a case in point relating to the case of Mr. Bravo. There were numerous cases in which Coroners' inquests did not give satisfaction; and there were some in which there was an absolute failure of justice. Surely it ought to be sufficient to make application to the Home Secretary or the Lord Chancellor to have an inquiry re-opened instead of having to resort to the circuitous process of applying to the Court of Queen's Bench. The question of law was one which affected the legal administration of the country, and there was no doubt that the present appointment of Coroners was bad, and that there should be some better procedure in the matter of Coroners' inquests. If the right hon. Gentleman opposite intended to deal with the subject, he would suggest that all the Acts relating to Coroners should be consolidated.

MR. ASSHETON CROSS expressed a hope that the House would disassociate the discussion altogether from any recent case which had happened. He rather regretted that the Motion should have been brought forward just after a case of a Coroner's inquest had been prominently brought before the public. Long before that case occurred this question had occupied a good deal of his attention, and indeed he had for years been of opinion that the time had come when the whole question of Coroners and their inquiries should be subjected to great change. After what had been said as to individual Coroners, however, he would say that a great deal of good had been performed by the existing Coroners. Though in individual instances justice might have miscarried, the great body of the Coroners did their duty to the best of their knowledge and ability, and that a great deal of good had resulted from their inquiries. In his opinion, it would not do to abolish the office of Coroner. He happened to be mixed up to a great extent with in-

quiries as to colliery and other explosions, and in such cases a great deal of information had been furnished to him, and the inquiries by Coroners had given rise to great satisfaction among the classes whose lives were subjected to accident in this particular way. He had, indeed, in such cases sent down an officer from the Home Office to see that the case was properly conducted and the whole facts brought out. Having said so much on behalf of the Coroners as a body, he had not the slightest hesitation in adding that the present state of the law was bad in many particulars. It was true that there were too many Coroners, and that they were unequally apportioned over the country, though this did not work any practical evil; but, if the law was to be altered, that question must be taken into consideration. In the case of the appointment of an officer who had one of the highest judicial functions to perform, and who always held out his office as being older and higher than that of the magistrate, such an officer should, in his opinion, have particular qualifications for his office. An inquest was a judicial inquiry, and the person presiding at it ought to have been trained as a lawyer, to be practised in weighing evidence and drawing the truth from the witnesses, so that he might guide the jury to a right conclusion. If, therefore, the law was altered, the qualification for the office of Coroner should be a knowledge of the law and some standing in the legal Profession. A great deal had been said of the election of Coroners, and he must say he could not conceive a worse mode of election for a judicial officer than a popular election by the freeholders of the county. There were instances without end of enormous sums of money being spent in order to secure the election of a Coroner. He did not know that the statutes against bribery extended to the elections of Coroners, although the Common Law might; but if such sums of money as were sometimes heard of were necessary to be spent in the election of Coroners, the sooner that kind of election was put an end to the better. He would not, however, say with whom he thought the appointment of Coroners should rest. He certainly had not the smallest wish that it should rest with the Secretary of State; but he thought the means might be found by which the process of appoint-

ment might be much simplified and the best man selected. With respect to the duties of the Coroner, he must say that a man duly qualified was appointed, they ought, in a matter of this kind, to leave a great deal to his discretion. Formerly the Coroner stood in a very awkward position. The justices of quarter sessions might be of opinion that he had held inquests which he ought not to have held, and might stop his fees, and, at the end of five years, fix a low average in order to limit his salary. One of those cases which often happened was this—a great explosion occurred in a mine and a large number of people were killed. He had known instances where the Coroner held as many as 30 or 40 inquests. He might clearly have ascertained the cause of death by holding two or three, though more than one might have been necessary, because all the persons might not have met their deaths in the same way; and certainly imputations had been brought against Coroners of increasing the number of inquests to increase the amount of fees. That was extremely improper. But he thought the duties of the Coroner might very easily be better defined by statute than at present. Something had been said of holding inquests in public-houses. He always regretted that should be the case, but inquests must be held somewhere. They had no right to hold them in a private house, and they could not always secure a place other than a public-house in which inquests could be held. He thought that was a matter that might fairly be left to the discretion of the Coroner. With respect to the persons who should compose the Coroner's jury, he thought they should be drawn from the same panel as in all other cases. Every man was bound to perform the office of jurymen for the benefit of his fellow-countrymen, and this was one of the most important functions of a jurymen. The jury lists for the Coroner should, therefore, be made out like all other lists by the Sheriff. With regard to the consolidation of the law relating to the office of Coroner, he thought the whole law should be put in one clear and intelligible statute. The re-opening of the inquiry was, he thought, rather a difficult question. When a duly qualified man was properly appointed, he did not think the inquiry should be rashly re-

opened. The Court of Queen's Bench for some time considered that they should not grant a second inquiry unless some imputation, almost imputing fraud, were made against the conduct of the Coroner. But in a recent case they had come to another conclusion. He certainly thought that it would not be right to give the Secretary of State or even the Lord Chancellor power to grant a second inquiry. They ought to take great care where the liberty of the subject was concerned not to place such a power in the hands of any political officer. It would be much better to leave it to the Courts of Law, although it might be possible to simplify and shorten the process by which the application should be made. He was very glad this question had been brought forward by the noble Lord; but he hoped the country would not think it had been brought forward simply on account of any special circumstance that had arisen of late. It was a question which had received not only his own attention, but that of other Secretaries of State, and he promised the noble Lord it should not be lost sight of. He was far from wishing that the noble Lord should withdraw his Resolution; he rather desired that it should be affirmed by the House in order to show that it was the deliberate opinion of the House that the time had arrived when the office of Coroner should be reformed. In what he had said he had no desire to impute to the Coroners anything like misconduct in the way they generally discharged the duties of their office, believing that in the vast majority of cases honest and substantial justice was done.

SIR THOMAS BAZLEY feared that the conduct of some Coroners had fairly exposed an ancient office to the attacks that had been made upon it; for instance, take two cases in which Coroners had directed juries to return verdicts of wilful murder. In one a young schoolboy inadvertently killed another by discharging a pistol, and in the other a child was run over by a brewer's dray, and the verdict was given, not against the driver, but against the owner, who was a hundred miles away from the place. He concurred in the opinion of the Home Secretary that the office of the Coroner should be perpetuated, but altered so as to make it more serviceable to the country by a

better discharge of the duties appertaining to it. He was in favour of a thorough reform of the present law for the election and regulation of the office of Coroner.

DR. LUSH said, he was glad to hear from the Home Secretary that he was desirous of preserving the ancient office of Coroner. As a general rule, Coroners were not open to the reproach that had been cast upon them in the course of that debate. No doubt many inquiries were improperly held, but they had a beneficial effect in deterring persons from committing punishable offences. They were Courts of Inquiry rather than Judicial Courts, and if judicial knowledge was necessary in the person who filled the office, so also was medical knowledge essential to the proper discharge of the duties.

MR. H. T. COLE said, that last Session he introduced a Bill on this subject, but unfortunately it shared the fate of Bills introduced by private Members. In considering the question he came to the conclusion that the election of Coroner by the freeholders—a grave in a churchyard giving a qualification—should be abolished, and given to the magistrates in quarter sessions; and if that was not sufficiently popular the Guardians of the poor could be joined with them, which would give a sufficiently popular mode of election, and materially lessen the expense attendant on the present mode of election, which frequently cost from £10,000 to £12,000. The result was that the expense deterred the most competent man from soliciting the office. He had no wish to abolish the office, because if that were done a similar one must be created. He was much pleased to hear the Home Secretary say that the office should be held by a trained lawyer, because trained medical skill could always be obtained, and at a moment's notice, to make the necessary examinations and give the proper evidence as to the cause of death. The noble Lord had done good service in bringing the subject before the House, and he trusted the Resolution would not become a dead letter.

*Motion agreed to.*

NAVY—CAPTAIN SULLIVAN.

RESOLUTION.

MR. EVELYN ASHLEY, in calling attention to the circumstances under

which Captain Sullivan R.N., was recently superseded by the Admiralty from the command of H.M.S. "London;" and to move—

"That, in the opinion of this House, Captain Sullivan should not have been removed from the command of one of Her Majesty's ships for any alleged error, shortcoming or neglect of duty, without having been given an opportunity, if he desired it, of explaining or defending his conduct before a competent Court,"

said, that this was not brought forward as a personal grievance or at the solicitation of Captain Sullivan, who was entirely unknown to him till a few days ago. He brought it forward in the public interest, as it involved a question of importance connected with the Naval Service. The Correspondence which had been laid on the Table spoke for itself. Briefly stated, the circumstances were these. Captain Sullivan, a distinguished officer of 30 years' honourable service, sailed from England in July, 1874, for the East Coast of Africa in command of Her Majesty's ship *London*. Among the officers of the ship was a chaplain, the Rev. Mr. Penny, and it was on account of the disagreement between the captain and the chaplain that Captain Sullivan was superseded in his command and recalled home at the end of 1875. The purport of the Resolution he offered to the House was that under the circumstances which he would shortly relate Captain Sullivan should have been granted a court martial, for which he had asked no less than three times. It was unnecessary to weary the House with all the details of the squabbles—for that was the most appropriate word—which for 15 months embittered the relations between the superior officer and his subordinate. Captain Sullivan was not a member of the Church of England, and he undoubtedly appeared to have been a Nonconformist by conviction, and to have been ready at all times to assert his principles. Mr. Penny, on the other hand, belonged to the very High Church party—in fact, to the highest order of priestcraft. Each, no doubt, was sincere from his own point of view, but the discordant elements no sooner met than they exploded. The first cause of dissension that arose between Captain Sullivan and Mr. Penny was the absence of the former from the Holy Communion, which Cap-

tain Sullivan declined to receive at Mr. Penny's hands. Shortly afterwards Captain Sullivan thought it his duty to order the chaplain that the service on Sundays, which was held on the quarter deck, should be shortened by limiting the amount of chanting, so as not to interfere too much with the working of the ship. The week-day service was also directed to be limited to "short prayers" from the Liturgy, strictly in accordance with the Instructions for the Navy. These orders evidently constituted in Mr. Penny's mind an unpardonable offence, for from that moment he "cut" his captain and behaved on many occasions in a most disrespectful manner. This was acknowledged by the Admiralty letter of 15th of September, 1874, in which—

"My Lords are of opinion that Mr. Penny's conduct has in several instances been highly disrespectful towards his Captain."

When the *London* arrived at the Cape, Captain Sullivan applied to the Commodore there for a Court of Inquiry to investigate these matters of difference between himself and Mr. Penny. Commodore Hewett replied that he should forward the application to the Admiral commanding on the Indian Station, to which the *London* was going, in order that the ship might not be delayed, and that Admiral Cumming should decide as to the charge of "disrespectful behaviour" made against Mr. Penny. The Admiral, however, declined to grant a Court of Inquiry, but directed the chaplain to cease wearing certain gold crosses on his stole, which had given offence, and which Captain Sullivan had remonstrated against as being a "non-regulation uniform." Mr. Penny, however refused to comply with this direction of the Admiral, and the authorities at home, by a letter of the 4th February, 1875, declined to make any order on the subject. This was a small matter, but it was a triumph for the chaplain, and contributed to make him persist in his defiant attitude on other points. A few months after, in February, 1875, Mr. Penny again sent through Captain Sullivan a complaint as to the conduct of Divine service, which Captain Sullivan forwarded, with his remarks, to the Admiral. The Admiral, in his Report to the Admiralty at home, stated that, in his opinion, Mr. Penny—

*Mr. Evelyn Ashley*

“Had acted in a spirit apart from that which should be shown by any officer, and especially by a clergyman.”

He also said—

“That on any future occasion he should consider it his duty to take most serious notice of it.”

It was a pity that serious notice was not taken of it at the same time. Nothing further occurred till the arrival of Admiral Maconald to relieve Admiral Cumming on the station in July, 1875, when, by instructions from home, he directed that a Court of Inquiry should be held “in the disputes between Captain G. L. Sullivan and the Rev. Mr. Penny.” Of course, nothing was known to the public of what had taken place, but an answer to the Report of that Court came from the Admiralty, in a letter dated the 15th of September, 1875, and it was to the following effect—

“After a careful perusal of the whole correspondence, commencing as far back as September, 1874, my Lords have been compelled with regret to come to the conclusion that Captain Sullivan has not acted towards Mr. Penny with that consideration and judgment which is expected from the Captain of one of Her Majesty’s ships.

“My Lords are further of opinion that Mr. Penny’s conduct has in several instances been highly disrespectful towards his Captain; and as they entirely agree in the opinion of the Court that so long as these two officers remain together no harmony can be expected, they have decided to remove them both from the ship, and they are to be so informed.”

But the correspondence of 1874 here referred to was not admitted before the Court of Inquiry, so that Captain Sullivan had no opportunity of dealing with it; and, further, Mr. Penny was not removed, although Captain Sullivan was, and the “disrespectful” subordinate had the satisfaction before the whole ship’s company of bowing over the side his commanding officer, with whom he had been notoriously at war for a long time. He should ask the First Lord of the Admiralty to explain how this happened, and whether he considered such an affair to conduce to the dignity or discipline of the Service? Captain Sullivan had since in vain sought for a court martial to vindicate himself. The Lords of the Admiralty stated in a letter of the 6th of December, 1875, that, apart from this disagreement with Mr. Penny, they were quite satisfied with the way in which he discharged his duties while in command of the *London*;

and yet they appeared to justify their very arbitrary proceeding by refusing the redress which the Captain demanded. Admiral Maconald wrote to Captain Sullivan as follows:—

“My dear Sullivan,—I can assure you it was with much regret I heard first through the papers that the Lords of the Admiralty had resolved to remove you from your command. I make no comment as to this discharge, but a sense of justice alone has induced me to write to their Lordships my very high opinion of the zeal and ability that you displayed under trying circumstances in the arrangement of the ship.”

Considering the trying duties which Captain Sullivan had to perform, it was only natural that he should have lost temper with a chaplain of that kind. Before leaving the *London* he wrote to the Admiralty making a formal complaint of gross misconduct on the part of Mr. Penny, in the presence of several Natives, to which the Admiralty replied that they had called upon Mr. Penny for an explanation. Mr. Penny, accordingly, did write an explanatory letter, in which he made the grossest accusations against Captain Sullivan; but would it be believed that letter had never been seen by Captain Sullivan till it appeared in the Correspondence which was published yesterday? In his (Mr. Ashley’s) opinion, the fact alone of such a letter having been written by Mr. Penny rendered it imperative on the Admiralty to grant the court martial which Captain Sullivan had asked for three times and failed to obtain. It was conducive neither to the welfare nor to the popularity of the Service that commanding officers should be subjected to the treatment which Captain Sullivan had experienced. Even had the two officers in the present case been treated alike, their punishment would have been very unequal; for there was a very heavy pecuniary fine inflicted on Captain Sullivan by the circumstances of his supersession, not to mention the greater publicity which attached to the recall of a commanding officer. Captain Sullivan had been 30 years in the Service, and the Lords of the Admiralty had themselves expressed an opinion that what had taken place ought not to operate against his future employment in Her Majesty’s Navy. He was content to rest the case thus. The Admiralty said that this officer was deserving of employment, and yet he had been

superseded in his ship, because he had not been able to get on with a subordinate officer who had been pronounced guilty of highly disrespectful conduct. It seemed to be the opinion of the Admiralty that an officer in command of one of Her Majesty's ships should combine the indifference of a Gallio in religious matters with the tact of a Talleyrand in the affairs of the world. He doubted greatly whether the demand for such qualities would secure for us equally efficient officers; but certainly, if the absence of these qualifications were to be made reasons for punishment, the interests of Her Majesty's Service would be gravely imperilled. The hon. Member concluded by moving his Resolution.

SIR ALEXANDER GORDON seconded the Motion, because he believed that great injustice had been done to a distinguished officer, and that the Admiralty in his case had departed from the line of procedure laid down by Parliament for the administration of justice in the Navy. He was an entire stranger to Captain Sullivan, but he had come forward to support this Motion from a sense of duty. Captain Sullivan was accused of undue interference with his chaplain; but according to Naval Regulations a captain was responsible for the due performance of religious duties on board his ship, and was invested with a certain amount of discretion as to the length of the prayers to be read. It was also to be borne in mind that Captain Sullivan had on board his ship some 52 Nonconformists, whose religious opinions were entitled to some consideration. He asked hon. Members acquainted with the practice adopted in private families whether it was usual at prayers to read the Creed and those parts of the Liturgy which Captain Sullivan had directed should be omitted? Why, the Chaplain of the House of Commons who read short prayers before they commenced their Sittings, was not required to read the Creed or those parts of the Liturgy; and the House could hardly blame Captain Sullivan for following its own example in that respect. The second complaint made against Captain Sullivan was that he directed the chaplain to omit chanting in the open air on the upper deck, and to confine himself to the singing of hymns. There he thought that gallant officer had used a wise dis-

cretion. The third objection raised by the chaplain was that he was desired to omit the priestly invocation, which, as being in the Church service of the Church of England, Captain Sullivan was justified in requesting him to omit. The priestly invocation would have been offensive to all the Nonconformists on board, as it certainly would have been to him if he had been in the ship. The fourth and most important point was that Captain Sullivan found that his chaplain appeared in a dress which he had never seen before—a stole with three gold crosses upon it, and on asking his chaplain what that dress was, as he did not know of any Admiralty Regulation authorizing it, the chaplain told him it was a dress given him when he was made a priest by the Church, and that the Admiralty should not take it from him. Captain Sullivan, in his complaint about the stole with those gold crosses on it, said it would destroy the simplicity which had hitherto characterized the service held in the ship, and thus justify the Nonconformists, of whom there were 50 in the *London*, in objecting to it, and in absenting themselves from it, as would certainly have been the case if these novelties had been tolerated. Admiral Cumming, who commanded at the Cape of Good Hope Station, writing to Captain Sullivan a reference to that matter, asked him to inform Mr. Penny that it was his wish that he should discontinue the use of the stole with the gold crosses on it in order to prevent dissension on board the *London*. The Rev. Mr. Penny, in a letter to the Admiralty of the 7th February, 1875, which was not among those Papers, but which the First Lord of the Admiralty had that day kindly laid on the Table, said that in regard to the Admiral's wish that he should for the present discontinue the use of his stole, he felt himself conscientiously unable to gratify him; that he had used the stole for 10 years without its causing the least offence to any one except to Captain Sullivan, who was not a member of the Church of England. Therefore, it was the opinion of the chaplain that to give offence to a person who was not a member of the Church of England was of no importance, forgetting that Captain Sullivan and the 50 Nonconformists were as much members of his congregation as the highest Churchman on board. What

was the decision of the Admiralty? On the 2nd of March, 1875, my Lords said that as regarded the stole described they made no order on the subject, observing, however, that in a matter so indifferent no unnecessary offence should be given to anybody on board. Therefore, the Admiralty declined to give any opinion and left that unfortunate difference to be fought out in the ship as best it could be. What had been the consequence? Why, that in the same command, on board of a man-of-war, within the last few months, the chaplain was seated at table, and never rose as the other officers did to the Admiral, saying that he had nothing to do with the Admiral, that he was independent of him, and was under the Lords of the Admiralty. If that was the way in which the Lords of the Admiralty upheld the discipline of the Navy, he thought they would find that discipline rapidly sink. That insubordinate chaplain had been encouraged in his insubordination. He wrote a letter in June which caused Captain Sullivan to apply for an inquiry, which was this time granted, but it was too late. The Court of Inquiry could not go into the matter, because the Admiralty had given their decision upon it. Therefore, Captain Sullivan had had no opportunity of defending himself against the accusations made by the chaplain. No doubt the House would be told that Captain Sullivan had not been dismissed, but only removed from his command, and that had he been dismissed he would have been entitled to a court martial. When he himself asked for the Papers relating to the dismissal of Captain Sullivan, the right hon. Gentleman (Mr. Hunt) corrected him, and said that that officer had not been "dismissed," but only "removed." He had altered his Notice accordingly; but he asked the House what was the difference to Captain Sullivan? If Captain Sullivan had been tried in accordance with his request by a court martial, he did not think they would have done anything more than to severely reprimand him, and he would have remained in command of his ship up to the present time. But the Admiralty had practically inflicted a more severe punishment on Captain Sullivan than if he had been tried by a court martial. He believed he was correct in saying that the Chaplain's Department of the Admiralty was

managed by the private Secretary of the First Lord. The private Secretary of the First Lord was not a responsible officer. If he gave advice to the First Lord, the First Lord was responsible. He would now allude to what was, perhaps, the most important point connected with this question—namely, the holding of Courts of Inquiry instead of courts martial. That was a practice which had been gradually growing for many years both in the Navy and the Army, to the great discontent of the officers of both Services. He did not at all wish to raise the question of the prerogative of the Crown to dismiss any officer. He freely admitted that the Crown had the right—and had properly the right—to dismiss any officer without giving any reasons whatever. But that was a very different thing from the course that was now adopted—namely, that of condemning an officer first of all and then removing him. The Crown had no prerogative to condemn any man without hearing what he might have to say in his defence. The Lords of the Admiralty referred to the opinion of the Court of Inquiry as justifying them in removing Captain Sullivan. They did not say they removed him by virtue of the prerogative of the Crown without giving any reasons. If Courts of Inquiry were to be held, they ought to be regulated on well-known principles. He thanked the hon. Member for bringing forward the Motion, and he hoped the House would agree to it.

Motion made, and Question proposed,

"That, in the opinion of this House, Captain Sullivan should not have been removed from the command of one of Her Majesty's ships for any alleged error, shortcoming, or neglect of duty, without having been given an opportunity, if he desired it, of explaining or defending his conduct before a competent court."—(*Mr. Ashley.*)

Mr. HUNT said, the Motion which had been placed on the Paper by the hon. Gentleman opposite was somewhat ambiguous in its terms. ["No!"] It said that—

"Captain Sullivan should not have been removed from the command of one of Her Majesty's ships for any alleged error, shortcoming, or neglect of duty, without having been given an opportunity, if he desired it, of explaining or defending his conduct before a competent court."

The hon. Gentleman did not explain what a competent Court meant in this

Motion; but he inferred from the speech of his hon. and gallant Friend who seconded the Motion that he was of opinion that Captain Sullivan should not have been removed without having been tried by a court martial. Well, that raised a very important question—namely, whether the Board of Admiralty, in exercise of the power of the Crown, which was delegated to them, were or were not competent to supersede an officer in his command without a court martial. He maintained that they had the fullest power and authority to do so, and when his hon. and gallant Friend spoke of there being no difference between dismissing an officer from his ship under the Naval Discipline Act and removing him by superseding him and appointing another officer in his place he made the greatest mistake possible. What had been done in the case of Captain Sullivan had been done outside the Naval Discipline Act. The Admiralty had exercised the supreme authority reserved to them by the Naval Discipline Act, and had not apportioned to Captain Sullivan any punishment mentioned in the Naval Discipline Act. Therefore, it was perfectly correct to say there was a great difference between the case of dismissing an officer from a ship and that of relieving him from his command by the supreme authority vested in the Admiralty. Hon. Gentlemen might say that in each case the officer had to leave the ship. That was perfectly true; but in the one case he left his ship with a distinct punishment recorded against him, and in the other he was simply told that he no longer commanded his ship. In the case of Captain Sullivan no punishment whatever was recorded against him in the books of the Admiralty. He had been relieved of the command of his ship because the Admiralty considered it undesirable on public grounds that he should any longer continue in command, but no disgrace or punishment was recorded against him, as would have been the case had he been dismissed from his command. The hon. Member opposite had not alluded to the question of the power of the Admiralty to supersede an officer in his command without an inquiry before a court martial; but the hon. and gallant Gentleman behind him (Sir Alexander Gordon) had fully admitted

the existence of that power. The power, indeed, had been exercised by the right hon. Gentleman who had preceded him in office in a notable case in which he had superseded two Admirals in their command. He therefore submitted that the Admiralty possessed an undoubted right to supersede an officer in his command if they thought fit to do so, and that such a course was for the good of the Service. The hon. Member who had brought forward this Motion had made a very clever selection of passages from the Papers suitable for his own purposes, and with the permission of the House he would read other passages from them which would give a different colour to the transaction. What was the case of Captain Sullivan? He had himself appointed Captain Sullivan to the command of the *London*, and he had also appointed the chaplain; therefore, he was naturally inclined to have supported the captain whom he had himself selected. It was also the practice at the Admiralty to support an officer in command as far as they could properly do so, and therefore he had a double motive in desiring to support Captain Sullivan. But what had happened? When the ship arrived at the Cape of Good Hope on her way to Zanzibar complaints were made by the Captain of the chaplain. It so happened that Captain Sullivan had come within the notice of three senior officers—namely, Commodore Hewett, the Commodore of the Cape; Admiral Cumming, the Commander-in-Chief on the East Indian Station; and Admiral Macdonald. What was the view taken of the conduct of Captain Sullivan by these three officers? When the *London* touched at the Cape, Captain Sullivan made a complaint with regard to the conduct of his chaplain; but Commodore Hewett thought that there was no necessity for an immediate inquiry into the matter, thinking that were one instituted it would delay the ship unnecessarily, and that the vessel had better go on, leaving the question to be determined by the Admiral on her arrival at her station. It had been put to the House that the chaplain had been insubordinate from the beginning to the end, while all that Captain Sullivan had done was to carefully discharge his duty. But what said Commodore Hewett upon the subject? The Commodore at the Cape was satis-



fied that the apprehensions of Captain Sullivan with reference to the performance of the Services by the chaplain were imaginary, and that the chaplain had acted in a temperate and a proper manner, and had complied with his orders in every respect. Thus the matter was passed over to the Commander-in-Chief on the East Indian Station. It was exceedingly painful to him to have to bring forward what he believed to be these unfortunate indiscretions of Captain Sullivan. He was anxious that the matter should have rested where it was. In the interests of the Service, and in the interest of Captain Sullivan himself, he was anxious that the conduct of the latter should not have been dragged into notoriety. He was not satisfied with his conduct, but he was willing to have treated it as an exceptional incident in his career. He knew how fiercely the *odium theologicum* burnt in some breasts, and he was willing to make allowances for it, and for the excitement produced by the temperature of Zanzibar, in the case of Captain Sullivan, and he had told him that he intended to give him further employment. But it had been said by the hon. Member opposite — “What was the use of superseding a man to whom it was intended to give further employment?” Therefore, because he had taken an indulgent view of Captain Sullivan’s case, he was told that he had no right to take any notice of his conduct. What said the Commander-in-Chief? In his letter of the 7th of January, 1875, he said, after duly considering the whole correspondence I have informed Captain Sullivan—

“I cannot see any ground for inquiry into the manner in which the chaplain has conducted himself. He appears in every instance to have implicitly obeyed his orders.”

He was not going to uphold the chaplain of the *London*. He had superseded him. But that was the recorded opinion of these two officers? He went on to say he could see no great disrespect or unbecoming conduct which had been shown towards Captain Sullivan by the chaplain. He went on to say that if Captain Sullivan, instead of pointing out what prayers should be said and what parts of the Church Service should be chanted, had told the chaplain what length of time he wished the Service to

occupy, he believed all the discussion which had arisen might have been avoided. He went on to say that if the Captain had desired that the chanting should be omitted for reasons made known to him it would have been wrong if the chaplain had not complied. But he added that Mr. Penny appeared to have conducted the Service in accordance with the Liturgy of the Church of England. With regard to the wearing of the stole, the matter was referred to the Admiralty, and they thought the wearing of the stole should be discontinued for the present. The hon. Gentleman had stated that he did not know what a stole was. A stole was a black narrow silk scarf worn by clergymen of the Church of England over their surplices, which fell down towards their ankles. It was worn in nearly every Episcopal church in the country, except where the clergyman was entitled to wear a broad scarf. For himself he saw no virtue or magic in a stole, and he listened with equal pleasure to a clergyman if he did his duty well whether he wore a stole or not.

SIR ALEXANDER GORDON reminded his right hon. Friend that the stole was not so much objected to as the gold crosses on the stole.

MR. HUNT: Well, as a matter of taste, he preferred the stole to the gold crosses on the stole. But the crosses on the stole were simply crosses worked in yellow floss silk. It was a pity that crosses should be worn where they gave offence; but when they were sanctioned by Bishops in this country it was impossible for the Admiralty to lay down a positive rule that no chaplain should have a cross upon his stole. They made no order about the stole, but suggested no unnecessary offence should be given to anyone on board the ship. He maintained that to be a truly Christian principle, and held that they were right in not in making a positive order as to the crosses. He now came to the next complaint. The House would observe that according to the opinions of Commodore Hewett and Admiral Cumming, up to that time the chaplain conducted himself most respectfully and obeyed every order. He regretted, however, that that course was not continued; but he must say that the Captain’s conduct to the chaplain was most vexatious and aggravating. He interfered with what

was to be read, to say nothing as to interference with the chanting of portions of the Service, which the Rubric said might be said or sung. Chanting, however, might possibly be inconvenient on board a ship; but when the Captain went on to forbid the use of the Apostles' Creed, he was certainly going beyond the line of his duty. But he must tell the House also that when the chaplain got up to preach Captain Sullivan walked out. He said he "withdrew from the service when the chaplain preached." [Sir HENRY JAMES: Because he was personally referred to.] Yes, that was what he said; but the chaplain denied that he had made any personal reference, and said he could not have done so, as he was preaching an old sermon. Of course, if the chaplain was preaching at the Captain he was doing what was very wrong; but there were other ways of dealing with the matter besides getting up and walking out, and he altogether denied that he made any personal reference to the Captain. Then there was another matter. The chaplain was in the habit of taking a voluntary mission service on shore, and the Captain forbade him to do so. It was true that he rescinded the order after a certain time, but it was calculated to annoy; and nothing could be more aggravating or tend more to lessen the influence of the chaplain than that the Captain should tell him to shorten the prayers, omit certain parts of the Service, walk out when he began to preach, and stop his volunteer service on shore. It appeared from the Correspondence that the chaplain had occasion to complain that the Captain had neglected to make any provision for the officers and men of the smaller ships of the Squadron attending Divine Service, and the Admiral, while he considered the explanation of Captain Sullivan indefinite and unsatisfactory, found fault with the chaplain for complaining to another captain who appeared at the station, and who was senior to Captain Sullivan. He was not there to defend the chaplain, whom he had superseded. Going on a little further a new Commander-in-Chief, Admiral Macdonald, was appointed, and on the 30th of July he wrote to the Admiralty, saying that he had ordered a Court of Inquiry. That was occupied 10 days with these wretched squabbles, from the 14th to the 24th,

*Mr. Hunt*

and the Report was made on the 26th, so that the duties of the station were neglected for a fortnight. According to a rule that had always been maintained, he could not produce the proceedings of the Court of Inquiry; for his own sake he wished he could, because he thought they would show that a right decision had been arrived at. He read the proceedings most carefully, and the conclusion produced by the perusal of the Report was that both the chaplain and the Captain were to blame—the Captain, in the first instance, when the dissensions arose, and the chaplain afterwards, when he exhibited an improper spirit for a clergyman and disrespect for the Captain. Therefore, he could not uphold either, though the Admiralty, if possible, always upheld a captain, and, with the entire concurrence of his Colleagues, he felt that the only thing to be done was to supersede the Captain. A Court of Inquiry was most essential and most desirable. This was not a case of a charge against the Captain and of evidence before a court martial. These were matters of manner, and a course of conduct creating ill-feeling, which could not be placed in a charge before a court martial. It seemed to him that this was a case in which the two officers should be superseded, for it was impossible that the state of things which had arisen should be allowed to continue; there was discord in the ship, and the services of the ship could not be properly carried on with the existence of so much ill-feeling. [Both officers were simultaneously informed that they would be superseded, and that their successors would be sent out by the next steamer. Unemployed captains were many, but unemployed chaplains were few, and it was much easier to send out a captain than a chaplain. He had intended that both should come home at once, and it was through an accident and inadvertence that this was not the case, though they were both superseded at the same time. The captain came home, and the chaplain was directed to come home before his successor arrived. The captain came home and demanded a court martial. The fact did not appear in the Papers because the demand was made on a personal interview. The request made was that a ship should be sent to Zanzibar with a lot of officers to form a Court, for at these distant stations it was often

impossible, even when desirable, to obtain a sufficient number of officers to form a Court. The reply he gave to the demand was that he did not consider it possible to frame a charge that would be cognizable by a court martial. He had been told that the Captain ought to have been tried by a court martial, but some of the witnesses were in England while the others were in Zanzibar, so that the difficulties were insuperable. The truth was that both these officers had got into such an antagonistic attitude and into such a state of excitement that everything in their conduct to each other appeared to their jaundiced vision to be disrespectful. He believed that there had been faults on both sides; that originally the fault was in Captain Sullivan, that it soon became a matter of mutual offence, and that eventually the Admiralty did the best thing for the service by removing both officers from the ship. In a private interview, he informed Captain Sullivan that it was an unfortunate business, but that he might tell his friends it would not be looked at in the light in which he regarded it, and that the Admiralty were willing to employ him again. In his opinion, it was to be regretted that Captain Sullivan did not accept this proposition instead of taking the steps he did. The matter would then have been forgotten, for it was one of those unfortunate personal squabbles which sometimes, though very rarely, arose on board Her Majesty's ships. However, as the subject had been brought before the House he had been obliged to go into it fully and to say things against Captain Sullivan which he should not have said except in self-defence. The Admiralty was responsible for order being kept on board Her Majesty's ships. In conclusion, the right hon. Gentleman expressed his belief that the Admiralty acted wisely in removing both officers and in refusing the court martial to investigate a question of insolence of conduct and manner that was wholly beneath the dignity of such a tribunal.

MR. GOSCHEN said, the right hon. Gentleman had not mentioned any charge which could be brought against Captain Sullivan. In the course of this discussion many hon. Members must have asked themselves the question—"What has Captain Sullivan really done, and why has he been discharged from his ship?"

According to the right hon. Gentleman, it was on account of some miserable squabbles which ought not to have been brought under the attention of the House. It was indeed to be regretted that incidents which had caused scandal in the Navy should have occurred at all; but it was not by shirking the question in that House that the difficulty could be got over. Captain Sullivan ought to have been supported in his position in order that it might have been shown that the presence of a chaplain did not make it a difficult duty for a Nonconformist to command one of Her Majesty's ships. Captain Sullivan's position as a Nonconformist was full of difficulty, and seemed to have been made more difficult by the conduct of the chaplain in introducing some of the more novel forms of the Church of England Service, and, arising from this, the proper order and discipline of the ship was risked in consequence of a miserable squabble about a stole and a gold cross. It was bad taste also and want of discretion on the part of the chaplain to speak as he did of "the heavy disabilities under which the Church of England labours in this vessel," for members of the Church of England on board the *London* certainly enjoyed advantages as compared with the Dissenting portion of the crew. He thought it was well that cases of this kind should be brought forward, in order that chaplains should understand that the enormous advantages they enjoyed should be exercised with some consideration for the opinions and feelings of those who differed from them. Inasmuch as the Admiralty had recorded their opinion that the chaplain's conduct in this case was "highly disrespectful towards his Captain," it was an unfortunate inadvertence, to say the least, that the chaplain had not been superseded at the same time with the captain; nor was it usual, he thought, when a superior and an inferior officer could not work harmoniously together and the conduct of the inferior had been "highly disrespectful," to remove the superior officer. The difficulty might surely have been cut short by the removal of the chaplain, and not of the Captain. To be removed from the command of his ship was a most grave circumstance in a captain's career, and any personal assurances given to him to the contrary would count for very little. One point

made against Captain Sullivan was that he had desired the omission of the Creed from the services; but it should have been added that these were the weekday, not the Sunday services. On the whole, he thought that a reprimand in the case of Captain Sullivan would have met the case. There might have been indiscretion justifying such a reprimand as had been given in the case of other captains; but surely to come into collision with a chaplain was not so great an offence as to come into collision with one of Her Majesty's ships. It was said in the Papers that the chaplain had strictly complied with orders. But there was a way of strictly complying with orders, and yet doing so in such a manner as to be very insubordinate. There might be inuendoes, too, even in an old sermon. But how did the right hon. Gentleman know that this was an old sermon? He saw nothing to this effect in the Papers. Did this statement occur in the private proceedings of which the House knew nothing and which the Captain therefore was unable to contradict? That brought him to the last point, which was that a private inquiry might properly lead to a court martial, but ought not to be allowed to take the place of one. The Admiralty stated that, in their opinion, the matters involved were not of a kind that required to be submitted to a court martial. He thought, however, it would have been better if the Admiralty had decided on the Papers alone without a private inquiry, instead of having to fall back again on the Papers. He acknowledged that the Admiralty had a perfect right to supersede any officer who might have been guilty of indiscretion, or whom they might think unfit to command one of Her Majesty's ships. But then they were in this position: that the Admiralty had information before them which the House had not. On the whole, the matter was left in a most unsatisfactory state, and he regretted that the impression should go forth in the Royal Navy that the Admiralty would not sustain the authority of the captains in the maintenance of discipline.

MR. HUNT said, that he found in the letter that had been placed on the Table of the House that day that the chaplain stated that the sermon which Captain Sullivan said was preached at him

was an old sermon preached 12 months ago.

SIR JOHN HAY regretted exceedingly that Captain Sullivan's application for a court martial had not been acceded to. The place where an officer who had his conduct arraigned should be called on to defend himself was before a court martial. He must remark, however, that the First Lord of the Admiralty had justified the course he had taken by the precedent which the right hon. Gentleman (Mr. Goschen) had established in the case of Admiral Welleseley and Admiral Wilmot. If a division were taken he should certainly support the Resolution, on the grounds that captains were entitled to have their conduct publicly inquired into.

MR. ANDERSON pointed out that the punishment of the two officers was utterly unequal, for Captain Sullivan had lost the opportunity by his supersession of gaining an increase of half-pay.

Question put.

The House divided:—Ayes 91; Noes 103: Majority 12.

#### BLACKWATER FISHERY (IRELAND).

##### RESOLUTION.

SIR JOSEPH M'KENNA rose to call the attention of the House to the circumstances affecting the public rights of Fishery on the Blackwater and on the tidal waters of the estuary of that river: and to move—

"That, without desiring to infringe upon private rights of several fishery in the Blackwater, this House is of opinion that it is the duty of the Government to watch over and protect the rights of the public in respect to fishery in the tidal waters of that and other Irish rivers."

He strongly recommended the matter to the attention of the Government.

Motion made, and Question proposed,

"That, without desiring to infringe upon private rights of several fishery in the Blackwater, this House is of opinion that it is the duty of the Government to watch over and protect the rights of the public in respect to fishery in the tidal waters of that and other Irish rivers."—(Sir Joseph M'Kenna.)

SIR MICHAEL HICKS-BEACH said, he had hoped the hon. Member would have stated a little more clearly what it was he wanted the Government

*Mr. Goschen*

to do. He understood it was a question of law.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after One o'clock.

## HOUSE OF COMMONS,

Wednesday, 12th July, 1876.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Jurors Remuneration \* [246]; Winter Assizes \* [245].

*Second Reading*—Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2) [194]; Intoxicating Liquors (Scotland) [91], debate adjourned.

*Second Reading*—Referred to Select Committee—Metropolis Gas (Surrey Side) \* [204].

Committee—Report—Orphan and Deserted Children (Ireland) \* [32].

*Third Reading*—Nullum Tempus (Ireland) \* [167]; Legal Practitioners (Ireland) \* [142], and passed.

Withdrawn—Ancient Monuments \* [21].

### SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) (No. 2) BILL.

(Mr. Richard Smyth, The O'Connor Don, Mr. Charles Lewis, Mr. James Corry, Mr. William Johnston, Mr. Dease, Mr. Thomas Dickson, Mr. Redmond.)

[BILL 194.] SECOND READING.

Order for Second Reading read.

MR. R. SMYTH, in moving that the Bill be now read the second time, said, that this measure had been so amply discussed, as far as its principle was concerned, on the 12th and 13th of May, when several hours were devoted to its consideration, that it would be quite superfluous on his part to occupy the time of the House with any explanation or defence of it. The Bill consisted of four clauses, the general object of which was to forbid the general sale of intoxicating drinks during the whole of Sunday in Ireland. He used the words "general sale" advisedly, because the serving of liquor by public-houses on Sundays was not proposed to be prohibited in the case of lodgers or *bond fide* travellers. When the Resolution on the subject was discussed and

approved by the House on the 13th of May it was said by some hon. Members that the passing of the Resolution would create alarm all over Ireland, and that something in the form of a re-action would take place against the principle of the Bill. There had been no such re-action. Nothing of the kind had occurred. Their prophecies turned out to be without foundation. There was no general movement in Ireland against the Bill, though the people of Ireland must now be aware that the House of Commons was thoroughly in earnest in their desire to pass a Sunday Closing Bill. He admitted that a certain section of the people in Ireland had made, from their point of view, very laudable attempts to get up an agitation on the subject, and subscribed £1,000 for that purpose; but the result of that subscription would be found in the presentation of the two Petitions presented to the House that day; and in all probability it would be found if they were examined that the signatures were those of the same persons who had petitioned the House on a former occasion, and could only be regarded as duplicates of the Petitions formerly presented. Considering that the House, by a large majority, had already expressed approval of the principle of the Bill, it was impossible after the reception accorded to his Motion two months ago that he could refrain from introducing a measure this Session. The question now stood exactly where it stood on the 13th of May, and, that being so, he would content himself with simply moving the second reading of the Bill.

THE O'CONOR DON seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. R. Smyth.)

MR. M. BROOKS said, that while he had the most sincere admiration for the benevolent motives of the Gentlemen who promoted the Bill, still with all possible respect he must be allowed to say—and with an intimate knowledge of those to whom he was about to allude he did so—that it was not in accordance with either the views or the wishes of the working men of Dublin. Indeed, he felt fully justified in saying—no matter what might be the opinions of

the promoters as to its necessity, that it was a proposal opposed to the deliberate wishes of the majority of the working men. It had been found on inquiry that from 50,000 to 100,000 persons visited public-houses on Sundays in the Irish metropolis, and he desired to learn if those places of public resort were closed to them what was the substitute suggested to be provided? He believed the Bill to be unnecessary, and he hoped it would not become law. He should certainly vote against such legislation, believing that it would be productive of great harm, as any measure must be which debarred, for the future, the working classes of Ireland from obtaining on Sundays the refreshment of which they stood in need.

SIR MICHAEL HICKS-BEACH : Perhaps I may say a few words on the course the Government propose to take in regard to this Bill. I quite agree with the hon. Member for Londonderry (Mr. R. Smyth) that, after what has occurred already, we are not called upon to enter into any discussion of the principle of the Bill. A few weeks ago we had a full discussion upon the merits of total Sunday closing in Ireland, and all the arguments for and against it were then adduced. There appeared to be an almost unanimous feeling in the House that there should be some further restriction in regard to the hours during which the public-houses in Ireland were to remain open on Sundays, and I on the part of the Government met the Resolution of the hon. Member for Londonderry with a counter proposal, that instead of the entire closing of public-houses on Sunday, there should be a further restriction of the hours of opening. My proposition, however, was not accepted by the House, who adopted the Resolution of the hon. Member by a considerable majority. No attempt was made to treat the question as a Party question, but the House decided in favour of the Motion of the hon. Member for Londonderry, and against the proposal of the Government. The Government has since considered the position of the Question, and especially, of course, their own position in connection with it. We thought it was only fair and right that the vote of the House should be taken by us as equivalent to a vote on the second reading of the Bill. The Government, therefore, decided not to oppose the Bill of

the hon. Member either on its introduction or on the Motion for second reading. At the same time, in making that statement, I wish it to be understood that it is not the opinion of the Government that this Bill could become law this Session, or in its present shape. If, therefore, it should be further proceeded with this Session, it will become my duty to submit certain Amendments.

MR. FORSYTH said, he was exceedingly glad to hear the announcement just made by the right hon. Gentleman the Chief Secretary for Ireland. He had voted for the Bill last year, and he was prepared to do so again; but after the statement made by the Chief Secretary for Ireland on the part of the Government, he had no doubt the measure would be carried. But his principal object in rising was to protest against the interpretation which had been put upon the speech he delivered last year. He had been told that he was understood to have to some extent impeached the loyalty of the licensed victuallers of Ireland. He could not understand how any speech of his could have produced that impression, for no one could be more convinced of their steadfast loyalty than he was. What he intended to convey was that Sunday drinking in Ireland might lead to meetings of persons who were disaffected; but he did not mean that these meetings were likely to take place in licensed public-houses kept by respectable publicans. He wished to set himself right with the licensed victuallers in Ireland, and to assure them that he intended to make no such reflection or attack on them. If he had said such a thing he should have been stating what he did not believe, and giving them a character which he knew they did not deserve.

MR. O'SULLIVAN opposed the second reading of the Bill. A grosser fallacy had never been imposed on the House of Commons than was embodied in the statement that it was the wish of the Irish people that this Bill should be passed. It was quite true that the measure was asked for by three classes in Ireland—namely, the extreme teetotallers, the extreme Sabbatarians, and a small section of the wealthier classes; but the working classes—at least 80 per cent of the people—were determinedly opposed to the measure, and he was certain that if the Bill were passed there

would be a strong re-action. The persons who were in favour of the Bill were persons who never entered a public-house at all, but had well-stocked cellars of their own from which they could always procure the necessary refreshment. The Bill was, in point of fact, a piece of class legislation and an attempt to close public-houses to those who had no other place to resort to. There would, no doubt, be found people in Ireland who would say that because there was such a thing as hydrophobia every dog in Ireland ought to be shot; but those gentlemen who took a delight in keeping dogs would take care not to have their favourites stamped out in that way. The working classes ought, for the same reason, to be protected against the loss of their means of pleasure and comfort on Sunday. If the principle of the measure were good, why not extend it to all parts of the United Kingdom? A great deal had been said and much reliance had been placed upon the number of Petitions that had been presented in favour of the measure, and the right hon. Gentlemen the Members for Birmingham and Greenwich declared that these Petitions expressed the Irish idea. They were never more mistaken in their lives. There was no greater delusion than to suppose that Petitions were an expression of the Irish idea, and the time would come when those hon. Members who represented Irish constituencies would feel the re-action against the measure by the loss of the Irish vote. He had himself taken the trouble to analyze one of those Petitions which came from a district in his own county, and with which he was well acquainted. He found that it contained the signatures of a number of devout Sabbatarians, of school-girls, and of gentlemen who never went into a public-house in their lives. Were those, he asked, the people who were to dictate to the people of Ireland what they were to do on a question of this kind? This was class legislation and nothing else. He had discussed the subject with several intelligent tradesmen in his locality, and the general opinion might be thus stated—that bad, undoubtedly bad, as the English Government was, they did not believe that it would pass such a coercive measure as the Sunday Liquor Bill. One respectable tradesman addressed him something in this fashion—“ You have known

me many years, did you ever see me drunk in your life ? ”—Never.—“ Then, I will tell you a fact; there is scarcely a Sunday in my life when I do not come into town to meet my fellow-tradesmen in a public-house to take a drink, or two, or three with them, to have a chat and a smoke, and then to go quietly home. I never go near the public-house at any other time, and I would think it the greatest cruelty if this little bit of enjoyment were taken from us on Sundays. The result would be that you would drive us into shebeens, where we would get stuff that would sicken us, and the chances are that we would stop away from our work on Monday to go and take what we considered better stuff, so that both time and money would be lost to us.” He (Mr. O’Sullivan) believed that the closing of public-houses on Sunday would only have the effect of setting aside another day, or, it might be, days, for drink, so that they would lose more time and money. He was prepared to say, without fear of contradiction, that if the Government were forced into the false position of entirely stopping Sunday drinking there would be riots in large towns which the Government would find it extremely difficult to put down. A short time ago the hon. Member for Louth (Mr. Sullivan) said they tried everything to elicit public opinion on the subject, and asked if the Government desired to wait for an expression of opinion in Ireland until it took the form of raising barricades?—and he (Mr. O’Sullivan) wished to know if that was what they desired now? Did the hon. Member ever try to hold a meeting in favour of this Bill in either Cork or Limerick? If he went down there and told the people that he appeared among them at the bidding of the high priest of Good Templarism, whose disciple he was, and that they were forbidden to drink from Saturday night to Monday morning, not all his popularity would save him from several showers of rotten eggs and flour-bags. The hon. Member proceeded to quote the opinions of Dr. Dorrian, Roman Catholic Bishop of Down and Connor, *The Cork Examiner*, *The North British Daily Mail*, Mr. Payne, a magistrate of 32 years’ standing in the South of Ireland, *The Irish Times*, and *The Dublin Freeman* against Sunday closing of public-houses. *The Freeman’s Journal* said—

"We think the Government has adopted a wise course in declining to give immediate effect in the shape of a Bill to Professor Smyth's successful Resolution on Sunday closing in Ireland. A little more time for calm consideration is most desirable, and we still cherish the hope that it will be turned to useful account by the friends of temperance as contra-distinguished from the advocates of teetotalism and Sabbatarianism. . . . We contend that one glass of drink taken secretly, or in such a way as to make a man ashamed of himself for having taken it, is more demoralizing and more likely to make him a drunkard than half a dozen taken openly. . . . We welcome the action of the Ministry, and commend their courage and good sense in not taking precipitate action on a question full of difficulty and full of danger."

And *The Irish Times* had this passage—

"We go as far as the most thorough philanthropist—as the most ardent votary of total abstinence—in deploring excessive drinking, and in the desire for such adequate legislation as will deal satisfactorily with what is undoubtedly a national evil. But we do not think that the application of coercive measures, based upon what is after all in some degree a declaration of public feeling artificially obtained, will meet the serious exigencies of the case. Political and social experience in Ireland shows one thing beyond question, and that is, that attempts to restrict the popular liberty of action within spheres where the public have, or deem they have, a legal right, has invariably been attended with more or less disastrous failure. As was well observed during the Parliamentary debate, it by no means follows that, because the population of certain districts in Ireland agreed voluntarily to Sunday closing, the practice would be equally popular if it were imposed by Act of Parliament."

MR. SPEAKER said, the hon. Member was quite irregular in quoting newspaper articles referring to a debate in that House.

MR. O'SULLIVAN said, he was not quoting the report of a debate, but referring to a commentary called forth by discussions in that House. However, he at once bowed to the ruling of the Speaker, and would dispense with a number of other authorities which he held in his hand giving the opinions of the leading men and journals in Ireland upon this question. In the county of Limerick, which he represented, there were over 150,000 inhabitants, and it was a singular fact that he had not been asked by a single individual to support the Bill of the hon. Member for Derry, excepting by a magistrate, whom he would back to drink as much as any two Members of that House. He was satisfied that if that gentleman was told that a law was about being passed to prevent

him from drinking from Saturday night until Monday morning, he would look upon it as the greatest possible specimen of tyranny. Yet he had a well-stocked cellar, and knew well it was only the working men who would suffer under this Bill. Many writers said all men were mad on some subject or other, and on this subject he thought there were two classes in Ireland who were not far removed from that position—namely, those who abused drink by taking too much and depriving themselves of reason first and life afterwards, and those who took none at all, though they much required it. The Government should treat both these extreme classes as harmless lunatics. He opposed the Bill because it was a form of coercive legislation, and not at all in accordance with the wishes of the people; and if the Bill passed on the erroneous supposition that it was an Irish idea, he predicted that a large number of Petitions would be presented against it next Session. There would have been more up to the present time, but the people of Ireland had no faith in Petitions to that House. They believed that no redress was to be got from the House of Commons for the grievances of Ireland, and they looked upon the present Bill as a mild coercive measure against their liberties. He believed himself that the Government would never consent to the total closing of public-houses on Sundays in Ireland, and he opposed the measure because he regarded it as a restriction of the rights and liberties of the people of Ireland.

MR. GLADSTONE said, that the speech of the hon. Gentleman who had just sat down amounted to this—that although the people of Ireland had no faith whatever in that House, or in the effect of any Petitions presented to it, yet in direct contradiction to that statement the hon. Member declared that if the House passed the Bill before them the people of Ireland would hereafter change their minds, and there would be much more numerous Petitions against the Bill. That, in the first place, was simply a prophecy; and in the second place, while it was remarkable that the people of Ireland, having no grievance, should have presented Petitions in favour of the Bill, the hon. Member told them—what was still more remarkable—that the people of Ireland having no confidence

*Mr. O'Sullivan*



in Parliament, and attaching no value to Petitions, would notwithstanding, at a future date, present much more numerous Petitions against the Bill. He did not think that statements of this nature would interpose any considerable difficulty in the way of the progress of the Bill, and therefore he did not propose to enter into the details of a measure which had already been so fully and largely discussed on a former occasion. He was not aware whether it was the intention of those who were opposed to the Bill to ask for the judgment of the House upon it again, and he had simply risen to express his great satisfaction with the nature of the declaration made by the right hon. Gentleman opposite (Sir Michael Hicks-Beach) on the part of Her Majesty's Government. The right hon. Gentleman had certainly performed his part on many former occasions with great gallantry, courage, and decision. Those who were opposed to the Bill could not for a moment question either the good faith or the courage and resolution with which the right hon. Gentleman had always stated his objections to any measure before the House—there could be no possible suspicion of him or of his proceedings; but the House would be convinced that when a Government, having taken its own course in a perfectly manly manner in the resistance to a Bill, accepted the judgment of the House as being in conjunction with the manifestations in Ireland, it afforded sufficient ground for them to abandon their position. He knew that the announcement of the right hon. Gentleman was made in good faith, and there could not be a doubt that it was the intention of the Government to recognize the decision of the House and the wishes of the people of Ireland in their substance. At the same time he fully understood that the right hon. Gentleman, with the apprehensions he had expressed on former occasions, and with the responsibility that rested upon him with regard to the execution of the law and the maintenance of order in Ireland, might desire to introduce into the Bill some provisions which might have the effect of softening and regulatng what was undoubtedly an important transition. While recognizing the general feeling of the people of Ireland, he fully admitted that it was an important transition, and taking the interest in the

measure he did on many grounds, he wished to express a hope that his hon. Friend (Mr. R. Smyth) who had conducted the Bill with great ability, would, on his part, show a sincere desire to meet the advances of Her Majesty's Government. He (Mr. Gladstone) felt quite certain that his hon. Friend would not allow any attachment to the absolute rigour of a doctrine to lead him to insist on the instant and universal operation of the Bill, provided that the proposal made to him by the Government should be of a reasonable character and substantially in accordance with the construction that he felt justified in putting on the announcement made by the Government. He therefore very sincerely hoped that they were arriving at the time when they might consider the Bill removed from the stage of Party contention, and might address themselves to those other subjects which were unfortunately too numerous, and which still solicited the attention of the House. Everyone must be of opinion that something must be done to bring this controversy to a close. It was a controversy by no means unattended with soreness—soreness in Ireland on a conflict of interests, though the opposing party might be—as he thought they were—a small minority of the entire people; but he thought it must be felt that the important political principle involved in the Bill consisted in matters of very considerable importance, and he could not doubt that that motive must have weighed on the mind of the right hon. Gentleman opposite and of Her Majesty's Government. Perhaps he might be permitted for one moment to allude to what took place on a previous night in an argumentative sense. The right hon. Gentleman the Chief Secretary, in resisting the proposal made by a portion of the Irish Members, went over a great number of subjects with the view of showing that there had been no undue resistance to the clearly expressed desire of the people of Ireland on matters peculiarly Irish. But there was a significant omission in the speech of the right hon. Gentleman. He might now feel that even on political grounds it might be desirable to take out of the mouths of those who might wish to show an obstinate disregard and disrespect on the part of Parliament to the will, interest, and judgment of Ireland in matters properly Irish, any plea such as he

must say had been to a certain extent afforded, and would, by the continued resistance of Parliament, be much more conclusively afforded, to the effect that they did not give regard to the wishes of the people of Ireland in a matter in which, by our legislation for Scotland, they had shown that they considered to be one that might be fairly regarded as of local and not of Imperial interest. He held most strongly the conviction that, apart even from the mere moral and social objects they had in view, the question was very important indeed, whether in those subjects which they conceived to be of a local character—he meant local as opposed to Imperial—they were to give the same fair play to the people of Ireland, and the same regard to their well-understood wishes, which they would give to the people of England or the people of Scotland. That was the principle which he held to lie at the root of all sound policy and sound procedure in this House; and in truth he should, he owned, even despair of maintaining permanently in a satisfactory manner the connection between the two countries on its present footing unless they sincerely adopted and acted upon that principle. On every ground, therefore, he could not but express a fervent hope that they were now arriving, through the happy announcement of the right hon. Gentleman, at the close of that Parliamentary contest, and he felt sure that as the right hon. Gentleman had been manly and outspoken in the statement of his objections to the Bill, so he would be frankly conciliatory in the endeavour to arrive at an understanding with his hon. Friend the Member for Derry. He had the same confidence in the reciprocal conduct of his hon. Friend, and, therefore, in the happy result which would cause, he believed, great national satisfaction throughout Ireland.

Mr. HERMON said he had also to express his satisfaction at the statement made by the Chief Secretary for Ireland. He had, in order to arrive at what were the wishes and feelings of the Irish people on the matter, addressed himself to several hon. Members—those who had given more than usual attention to the matter—and he was bound to say that the result of his inquiry convinced him that there was a deep-felt expectation on the part of the Irish people that this measure should become

law; and therefore it was that he gave it his support. But he hoped the hon. Gentleman opposite (Mr. Smyth) would not be too anxious to pass the Bill as it stood, for in going into the details they might find it necessary to introduce some changes so as to guard against creating such a state of things as took place in this country some years ago, when restrictive legislation was followed by riots, and had to be repealed. The hon. Gentleman the Member for Limerick (Mr. O'Sullivan) had referred to the feeling of the Irish people, and had stated that it was antagonistic to the measure; but either the hon. Gentleman himself was wrong, or else a very large number of the Irish Members were wrong, who had assured them that the Irish people took a very deep interest in it. That, indeed, was corroborated by the hon. Member himself, when he stated that whenever he returned home he would run the risk of being maltreated by the people, because of the expression of his opinion in opposition to the Bill.

Mr. O'SULLIVAN explained. He did not say that he ran the risk of being ill-treated, but that the hon. Member for Louth (Mr. Sullivan) might expect such treatment for advocating the Bill.

Mr. HERMON said, he had no doubt the hon. Member for Louth had but spoken his own convictions when he supported the Bill, and he had no reason to be afraid to show himself in any part of Ireland, because of the free expression of his opinions. There seemed to be a general feeling in favour of reading the Bill a second time; and what he would suggest was that it should be made a tentative measure by limiting its operation to a period of two or three years. By that means they would be able to ascertain whether or not it met the wishes of the Irish people. If it did, they could easily retain it on the Statute Book by passing a Continuance Bill.

Mr. STORER said, he could not sit still and give a silent vote on this Bill. He might be asked why he interfered in the matter when it was the wish of the Irish people that it should pass? That was an argument which had not any force with him, for the measure was not only an Irish, but also an English one. They all knew that there was a large and influential body of persons who favoured the closing of public-houses in the inte-

rests of temperance. If this Bill passed, their zeal would be so increased that he felt convinced they would be satisfied with nothing less than the total abolition of public-houses, and this measure would then become the groundwork for similar legislation in England. If it really were the opinion of the Irish people that the public-houses should be closed in Ireland all the day on Sundays, it seemed to him a very Irish way of proceeding to ask Parliament to prohibit it. They had the whole thing in their own hands, and could secure all they desired by coming to the resolution not to resort to the public-houses on Sunday. There was nothing to prevent them keeping out of those houses on Sundays. There might be some argument in favour of restricting the hours during which drink might be supplied on Sundays; but there was not any plea whatever to justify the total closing of them on that day. The Bill was nothing else than an attempt on the part of the upper and middle classes to interfere with the personal freedom of the working classes by preventing them from obtaining the refreshment they could only obtain at the public-houses. He could scarcely imagine a state of circumstances in which it could realize the advantages to which its advocates looked forward. In Scotland, where such a law had been for some time in force, the shebeen houses were in full play and private drinking on the increase. He was perfectly sure that should this Bill become law, they would witness the same state of things in Ireland—and that was not by any means desirable. The Irish were not a drunken people, and he asked if the 99 sober persons should be deprived of the right they possessed of obtaining what refreshment they required, simply because one person was found to abuse that right?

MR. ANDERSON said, he had not intended to interpose in this debate, and would not have taken up the time of the House but for a statement made by the hon. Gentleman who had just sat down. The hon. Member was entirely misinformed when he said that the result of the Forbes-Mackenzie Act had been to increase the number of shebeen houses in Scotland. That was an entire fallacy. They might exist in some numbers in the larger towns, but that they had increased all over the country was

a misstatement. He would assert, on the other hand, that the closing of public-houses in Scotland on Sunday had worked to the entire satisfaction of the inhabitants—and not only to their satisfaction, but to the satisfaction of the keepers of the public-houses themselves, who considered that their trade had benefited in respectability, and that their families had also benefited immensely by the day of rest. He was confident that the people of Scotland would never consent to the re-opening of public-houses on Sunday.

MR. KIRK opposed the second reading. No one, he said, regretted more than he did the extent to which intemperance prevailed not merely in Ireland, but in these countries generally—it was certainly a state of things which called for improvement, and he would go as far as the most earnest teetotaler to secure that improvement. But he was bound to say that in his opinion this Bill if it were passed would be attended by results quite the reverse of those which were expected from it by its promoters. It was his opinion that one of the consequences of the Bill becoming law would be that Ireland would bristle with shebeen-houses, and thus an impetus would be given to secret drinking, which would soon generate a cancerous growth of vice and demoralization. The hon. Gentleman the Member for Glasgow (Mr. Anderson) denied that the operation of the Forbes-Mackenzie Act had been attended by any such results in Scotland; but he would refer the hon. Gentleman to an article in *The Scotsman*, written by one who had an intimate knowledge of the working of that Act. That article stated that, so far from there having been a decrease in the number of shebeen-houses consequent upon the Sunday Closing Act, those establishments had considerably increased; that the Scotch people drank at present as much per head as they had been in the habit of drinking before the passing of that measure; and that, too, notwithstanding the fact that the taxation upon intoxicating drinks was now double what it used to be. He could furnish numerous extracts from the Scotch newspapers to the same intent. It was clear then that up to the present time coercive legislation—a legislation which was hateful to the Irish in whatever guise it came—had failed

to stamp out drunkenness in Scotland. That being so, they might rely upon it such a law would equally prove a failure in Ireland. In that country the public-houses were now open from 2 P.M. till 7 P.M. on Sundays, and yet notwithstanding that that was the case they had a great deal of illicit drinking, and that chiefly early in the morning. It could not be doubted that the total closing of licensed houses would add to that evil. He knew that such was the state of things in Drogheda, and that the police were entirely unable to cope with it. He knew, too, that the publicans were perfectly aware of the existence of these illicit drinking houses; but they would not inform against them for selling drink during the prohibited hours on Sunday, lest their own houses should be deserted on the other days of the week. Another objection he had to the Bill was that it was an attempt at class legislation. To such legislation he could be no party. The public-house was to the artisan and to the labourer what the club was to the upper classes of society. To it they resorted to hold converse with their associates, to exchange views with them, and, perhaps, to talk politics; and he did not see why they should be shut out from indulging themselves in that way on the only day on which they had an opportunity of doing so. If they were to be prevented from doing so, why, then, should they not also close the West-end clubs and place precisely the same restrictions on the enjoyments of the men of wealth and position, who would no doubt be patriotic and philanthropic enough to submit to be deprived of their wines and social enjoyments on Sunday, when they knew that they were thereby setting a good example to the general public? It might perhaps be said in answer to this that the upper classes were not addicted to intemperance; but he was sure he might appeal to the hon. and gallant Member for Waterford (Major O'Gorman), or to his own Colleague, to corroborate his statement that temperate men resorted to public-houses more for society than to indulge in the use of intoxicating drinks. They had been told that the highest dignitaries of the Law had from the Bench of justice deplored the increase of drunkenness in Ireland. He was not prepared to go so far as that, for it was his belief that the Returns on which the Judges based their

comments were to a great degree fictitious. A new regulation for the remuneration of the clerks at petty sessions was now in force, and the provisions of it were such as to hold out an inducement to those officers to secure as large a number of convictions as possible; and hence it was that he regarded the Reports placed before the Judges as to some extent fictitious. The friends of temperance would, he was convinced, do more to reform the people if they used persuasion instead of coercion.

MR. WHEELHOUSE said, he was very anxious, before the Bill went any further, to have, if possible, a clear understanding as to the alterations proposed to be made in it. As he understood the measure, it seemed to him almost an impossibility to alter its principle, and they must not lose sight of the fact that it was upon the question of principle that they were then engaged. The principle of the Bill was to close hermetically all public-houses throughout Ireland on Sundays; and as that was the *raison d'être* of the measure, he must oppose it as strongly as possible. Men might say what they liked; but it was a simple attempt at class legislation; and all the Petitions, and nearly every movement in favour of the Bill, came from the upper classes, who, upon a question of this kind, were the very worst exponents of the feelings of those who would be affected. Whether it was, as they had been told in the course of this discussion, class legislation in its worst form, he would not take upon himself to pronounce; but it was an attempt, not solely by people who merely believed in Sunday closing, but teetotallers, to get in the thin end of the wedge. If this measure passed they would be able to say that the same principle ought to be extended to England; and having closed public-houses all over the Kingdom on Sundays, they would argue that the policy of total abstinence was admitted, and that Parliament was bound therefore to accept the Permissive Bill, or some other similar measure. Let them not hide the fact from themselves that what was now proposed to be done would leave hon. Members of that House the freedom of their own cellars and of their own clubs, and they would have the means of getting a glass of wine or of spirits whenever they pleased; but the man who worked all

*Mr. Kirk*

day in Limerick or Cork from week's end to week's end would on the only day on which he could go out for enjoyment be deprived thereby of the means of getting reasonable refreshment. It would be most objectionable to him to interfere with the liberty of any man or class of men; especially since if a man chose to abstain from going into a public-house on Sunday or any other day he was at perfect liberty to do so; and if some few required to be guarded against themselves, that was no reason for coercing others. What would be thought if it was proposed at the instance of one creed to shut up the churches and chapels of another?—and still the so-called principle would be the same. Let it be at once honestly stated that it was not on account of any principle, but because there were hundreds of Petitions with thousands of signatures in favour of this proposal, that Parliament was disposed to entertain it, and then let them inquire whose were the signatures, and how their support was obtained. He would infinitely rather take the Petition signed by 12,000 of the wage-class in Dublin than all the Petitions signed by all the Prelates, priests, and others who could get their drink when they liked. If those who lived behind their own park gates and palace walls knew as much as they ought to do of the domestic habits of the wage-earning classes, measures of this kind would receive little favour in Parliament. There could be no doubt that if public-houses were closed, shebeen-houses, illicit distillation, and illicit drinking would spread in spite of the ordering of Prelates and the teaching of priests, and a re-action would take place which would repress for years to come all sound legislative attempts to promote temperance. It was said that beer, which was the English beverage, would keep, but that whiskey, which was the drink of Ireland, could be got just as well on Saturday night as on Sunday. Possibly, to a certain extent, that reasoning was true; but every sensible man knew that if they were to tell an Irishman that he was not to have the opportunity of obtaining reasonable refreshment on Sunday at a public-house, the chances were that he would not only take the bottle home on the Saturday night certainly, but would take care to have it fuller than he would do if he could get

more next day. The consequence of that would be that almost every private house would be turned more or less into a drinking shop during the Sunday afternoon, and men would go to illicit places to get drink. He was not one who thought Irishmen were more inebriate than the people of any other country; but depend upon it they would not be coerced into abstaining from taking a legitimate amount of drink, notwithstanding all that priests, Prelates, Popes, or anybody else might say to the contrary. Let them not deceive themselves and imagine because some considered it desirable to stop drinking that coercive measures could do anything but bring about a reaction which would compel them to retrace their steps. So far as the principle went of closing all public-houses in Ireland on Sunday, he insisted that there was no necessity whatever for the measure, and he hoped and trusted the House would never be beguiled by the upper ten thousand into legislating in such a manner for the class who alone would be affected. This Bill would receive, both in principle and detail, the most determined opposition he could give it, because he was certain that if once the thin end of the wedge was got in in Ireland, an attempt would be made to close public-houses in England, which were the poor man's clubs, while the upper classes remained free to get whatever drink they wished.

MR. MARK STEWART said, he should support the Bill. In Scotland the measure decreed by the hon. Member (Mr. Storer) had been in existence for 23 years, and had, on the whole worked satisfactorily, and no single Member in that House or any constituency had raised a voice against it. He denied that this was class legislation—the measure was demanded by the representatives of all classes in Ireland. All the highest judicial functionaries in Ireland pointed to such a law as this to stop intemperance and crime. The clergy, both Protestants and Roman Catholics, the Town Councils, and society generally in Ireland—including the working classes—all urged the Government to legislate in this direction. It could not then be said that this was class legislation. He believed it would prove as beneficial in Ireland as it had proved in Scotland, and the more so because the Irish were not habitual drinkers. He

would rather that moral suasion were used to remedy the evil complained of, but that having failed it was high time to legislate on the subject.

MR. MACARTNEY supported the Bill. The advocates of the measure should thank Her Majesty's Government for the announcement they had made of their intention to support it; and he hoped the clauses they proposed to introduce would provide for its gradual, not too sudden, adoption.

MR. GOULDING urged the House to pass this measure, and to try the experiment. He was certain that if the Bill became law it would be beneficial to Ireland in the prevention of a great deal of crime.

MR. MURPHY said, the House would do well to remember that in the year 1868 a Committee of the House of Commons came to the unanimous conclusion—founded not upon the evidence of philanthropists, but on that of responsible officials who knew the habits and the temptations of the people—that it would be impossible to pass such a law and to carry out such a measure. There was no man more anxious than he to put down intemperance; but he could not submit to the imputation made by the promoters of the Bill that the working classes of Ireland, for whose benefit it was supposed to be introduced, were—or rather that the bulk of the Irish nation were—drunkards. There was no *raison d'être* for this Bill, however, except by assuming that the Legislature were bound to step in and take charge of the people, who were incapable of taking care of themselves, who could not restrain their passions and their impulses, and who ought to be held up to the world as a nation that should be treated rather like children than like men. Since the time when this subject was first ventilated he had never once swerved in the opinion he had held with regard to it. He had never opposed it blindly, however, and he had never been opposed to a reasonable modification of the hours. He had, in fact, advocated the very hours which were adopted in the Bill of 1872. In connection with the present Bill much had been said about the assumed state of public opinion in Ireland. Among other Members who had touched upon the point, he heard the right hon. Gentleman the Member for Greenwich base his reason for sup-

porting the Bill on the assumption that the people of Ireland called for it, and that it would be wrong to deny them what they asked for by this Bill, which was one of a purely social character. If he (Mr. Murphy) thought so, he declared he would be the first to assist their views; but it was because he believed the contrary to be the case—because he knew it to be so—he opposed them. There was no proof whatever that the Irish people asked for this measure—at all events, those classes for whose convenience public-houses existed. It was said that the feeling of the Irish people on the question was shown by the numerous Petitions that had been presented in favour of the measure, while scarcely any had been presented against it. Why, what was the case? No later than six weeks ago he himself presented a Petition from Cork signed by 16,500 working men against the Bill, and another with 3,000 or 4,000 signatures from the localities around Cork, also against the Bill; and he asked the supporters of the Bill whether, in the face of that evidence, they would stand up and say that no expression of public opinion adverse to it had come from Ireland? And again, within the last few months they had had a most influential meeting at Cork, convened in pursuance of a requisition signed by 150 of the most respectable residents, including magistrates, deputy-lieutenants, merchants, shopkeepers, and others, praying the Mayor of Cork to call a public meeting for the discussion of this very measure. The Mayor called the meeting, which was advertised in all the Cork papers for 10 days before it was held. It took place in the Court-house, which was filled from floor to ceiling. A thorough discussion of the subject ensued, and a resolution was then proposed by the High Sheriff alleging against the measure the reasons adduced by its opponents—namely, that it was altogether unjust, that it was impolitic, and that if it were passed into law it could not be practically brought into operation. At that meeting there were supporters of the Bill—some eight or ten gentlemen, who were members of the United Kingdom Alliance, or Permissive Bill Alliance, or Sunday Closing Association—they appeared to be all the same—and they opposed the objects of the meeting; but the nature of their opposition was

*Mr. Mark Stewart*

such that the Mayor, who presided, refused to put their amendment, as being inapplicable. With the exception of those eight or ten gentlemen, who came specially to oppose the meeting, its opinion was unanimous, and that opinion was embodied in the Petition sent up from Cork. Then, how could it be said that there was no opposition to the Bill? What he said was this—that the excellent organization of the Sunday Closing Association—which he believed to be merely a branch of the United Kingdom Alliance, which had large funds at its disposal, and whose ramifications were so extensive that there was no district in Ireland in which its agents were not to be found—that organization, he said, had been used with remarkable energy, and backed up by the clergy of all denominations. He was by no means surprised at the success they appeared to have met with, and that it had been to a very great extent successful seemed to be the case from their having been able to impress the House of Commons with the idea that the people of Ireland were in favour of this Bill. But if the House blindly accepted the idea that the people of Ireland approved of the measure, they would find it would be so far from working out the desired remedy for any evil now existing in that country that it would only intensify it, open the way for an unnatural agitation—perhaps to be conducted by parties interested in getting up a disturbance, who would be sure to endeavour to make the people believe that they were the victims of class legislation. An hon. Member had expressed the hope that the Government would not allow itself to be influenced by the representations of persons acting on behalf of the central organization in Ireland. He hoped so to; and he could not sit down without adverting to the influences that had been used, and to the pressure that had been brought to bear upon Members of that House by persons who supported the Bill; and he also desired to show how, without their knowledge or consent, the signatures of constituents of several hon. Members had been used to represent Petitions sent up in support of the Bill as being the result of the spontaneous action of the public, instead of that of the private representatives of the agents of the organization; those Petitions being really transmitted

to the Members through the agency of the United Kingdom Alliance or of the Sunday Closing Organization, or by whatever name they ought to be called. Now, he said that was not a legitimate practice—and he protested against the action of that well-organized society in getting Petitions forwarded through hon. Members of that House and representing them as the result of the spontaneous action of the public, when in fact they were no such thing. Then it was said this was all pure philanthropy—all for the good of the poor working classes of Ireland, who gave themselves over to drink—that it was for their good, temporally and eternally, that those good philanthropists had formed themselves into an association to promote morals and Christian example. That might be so, but all he could say was that that Society was not above dealing with matters, and using its funds, for very practical purposes. They could show their great over-righteousness, but they could also descend to very practical means of carrying their measures, and making their Members understand what they might gain by aiding them, and what they might lose if they could not quite agree with the measures of the Irish Sunday Closing Association. The House would understand that it was avowed under the hand of an official of that Society that they had funds at their command, and that they used them for the purpose of influencing elections in the various towns; that negotiations had been carried on by the consent of the Association; and that its agents, with the funds of the Association applied for the purpose, had come down to the town, and had treated with individuals in it for the promotion of the ends which the Association had in view. He had a right to mention that, because he held in his hand a letter from the Society in question avowing it. He would not read the whole letter, but he would read an extract from it. It said—

“The Secretary of the Association came expressly from Dublin in reference to the matter, and after several interviews a special meeting of the local Committee rejected his offer—doing this after they were informed from head-quarters that money would be forthcoming if, in their judgment, it was required, and could be properly expended.”

The writer added—

“Murder will out, and you and the people of Cork may judge of the matter for yourselves.”

This letter was signed, "Scott Anderson, 8, George's-street, June 24th, 1876." All this agitation, and the Bill itself, was, he maintained, nothing but the outcome of a well-organized and well-managed Association, and he denied that it emanated from the spontaneous movement of the working classes of Ireland. He did not suppose that anything he could say would affect a division of the House upon the question, if a division should be taken upon it, or he would most strongly urge the House not to pass such a Bill. The right hon. Gentleman the Chief Secretary for Ireland, when he accepted the Bill, said he would propose modifications in Committee. Now he (Mr. Murphy) could not understand what modifications could be introduced into the Bill that would not conflict with its principle—for its principle was that all public-houses should be closed in Ireland on Sundays. If the right hon. Gentleman was about to say that the Bill would be utterly impracticable in Dublin, Cork, Limerick, and other large places, and that therefore he proposed to except them from the operation of the Bill, he could understand the proposition—but it was exemption, not modification. A great number of Members had voted for the measure in the present Session who did not vote for it two years ago, and now the right hon. Gentleman had taken the course of announcing that he would not oppose the Bill. He did not know what precise meaning was to be attached to that statement; but he confessed that, with that statement before him, if the Bill was carried to a division, he could not see that any other course was open to him than to vote against it.

Mr. ROEBUCK said, he was very anxious that the grounds of the vote he intended to give on the Motion before the House should not be misunderstood, and therefore he would, with the permission of the House, explain the reasons why he should give that vote. Now, he wished, in the first instance, to state that the Gentlemen who supported this Bill had not a monopoly of the desire to put down intemperance, nor were they the only persons who were alive to the calamities resulting from it; nor could any one be more anxious than himself that they should be put an end to by any means that legislation could supply. But this was a question in which the majority were not the governing body, and he

was wonderfully startled when he heard so great an authority as the right hon. Gentleman the Member for Greenwich say that because a majority of the people of Ireland were of one opinion on this matter, he therefore supported the Bill. This was not a question on which the majority should govern. This was a sumptuary law, and they knew how, at the commencement of civilization, sumptuary laws had always been adopted by semi-barbarous people, and how as nations advanced in civilization they came to the conclusion that individuals were not to be interfered with in matters that did not actually concern the nation. Society was formed for the purpose of protecting each individual against oppression or coercion, whether from abroad or from home; and for that purpose each individual gave up some part of his personal liberty. But that Government was the best that supplied the greatest amount of security at the least expense of personal liberty, and he was there that day to say that the personal liberty of the individual as regarded his mode of drinking or his mode of eating was not a matter to be decided by legislation. That was what surprised him from so great an authority as the right hon. Gentleman the Member for Greenwich, who could not see that it was not the province of legislation to interfere in such matters, and he said they ought not to. What was the real state of the case? It was simply this—A small number of the whole people of Ireland were inclined to intemperance—a very small number—and because that small number could not control themselves they—the Legislature and the Government—were asked to step in and say that every individual in that country should be coerced because they could govern themselves. That was the real state of the question, and people should not be deceived by the nature of the appeals made to them. Did anybody suppose that all those Petitions were got up in the real belief that much good was to be done by them? Not at all. Men had crotchets, men had passions, men had interests, and crotchets, passions, and interests had led to this measure. This measure was not proposed upon good grounds, and he was inclined to believe that the Government had done exceedingly unwisely in yielding to the pressure put upon them by a sudden



Vote of the House of Commons. If the House of Commons had been led to think over the circumstances as they ought, they would come to the conclusion, and would rightly come to it, that this was no question for legislation, but that it ought to be left to the various influences which society afforded for bringing people round to morality and good conduct—to the clergy, the magistracy, the schoolmaster, to everybody, in fact, that helped to form the opinion of mankind. We ought to leave the settlement of this question to them, and not ask the Legislature to pass a Bill like the one before the House.

Mr. O'LEARY said, that this Bill, if it should become law, would increase Sunday drinking. The result would be this—licensed houses were kept open late on Saturday night, and the persons who frequented them would take home whiskey for consumption on Sunday if the houses were to be closed on that day. The consequence would be that, after taking their usual quantity of drink on Saturday nights, they would not go home perfectly sober—or at least they would have taken sufficient to whet their appetite for more—and when they got home they would take a little of that bought for Sunday; this would induce them to take a little more; and the chances were that they would not go to bed till early in the morning, when all the whiskey had been consumed. Next morning they would not be able to attend mass; and if a man did not attend mass for several Sundays he was considered almost a lost man. The respectable portion of the community would not go into a beer-house on the Sunday—he waited patiently until 2 o'clock; but if this Bill were carried they would have no alternative. He had personally consulted a large number of clergymen and others in Dublin upon this question, and it was the general opinion that this Bill was a mistake, and that to prevent Sunday drinking the great thing would be to deal with the beer-houses. The keeper of a public-house, having embarked several thousands in his property, would not permit drunkenness and risk losing his licence—his interest and aim were to keep his house respectable. Now, the question was between drinking in public-houses and drinking at home. If the respectable tradesman or artizan were driven to drink at home, as he would be

if this Bill passed, the children would be taught to drink also;—the young man of 21 must have his glass of whiskey as strong as his father's, and all because it was passing round the table. In Scotland, the land of Sunday closing, enormous quantities of whiskey were put by on Saturday nights for consumption on Sundays, and by 9 or 10 o'clock on Sunday mornings there was a large amount of drunkenness. Only a few weeks ago a shocking catastrophe occurred in Glasgow, when two little children were killed by whiskey on Sunday morning. Their parents got so drunk through drinking their Saturday night supply for Sunday that the children thought it a good opportunity to imitate their virtuous parents, and they drank themselves to death. Besides these two, there were other cases on the same day from drunkenness. One woman fell into the canal and was drowned, another fell out of a window, and there were altogether six deaths in this land of Sunday closing as the result of Sunday drinking. Lest it might be thought that he was exaggerating what took place in Scotland, he would quote from *The North British Mail* of June 6th—and this was the reply he gave to the Irish Members; because the English Members would not entertain this question were it not that some of the Irish Members had spoken so strongly about it. The hon. Member for Cork (Mr. Murphy) had detailed the different means which had been adopted to induce them to support this measure against their private convictions. They were told that shebeens could be put down immediately. But what was the case in Scotland? He would read what took place at the Greenock Police Court. It was headed—"Alarming Increase of Shebeens," and went on to say, "A labourer named John O'Neill"—by-the-bye, that was an Irish name—and perhaps it was an argument in his favour, for if, in the face of the canny Scotch, the Irishman could evade the law, what would he not do at home?—

"John O'Neill was charged with having on Sunday last trafficked in excisable liquors in his house, and he pleaded not guilty. It came out in the course of the trial that for some time past there has been an increase, which was described as 'most alarming,' in the number of shebeens in town; that localities such as the Vennel abound with places where the illicit traffic is carried on; that accused lived in a close into which men in a sober state were seen to enter, and from which they afterwards

emerged intoxicated; and that 'scouts' in the interest of the traffickers were on the look-out for the police, and did duty so well in giving timely intimation of their neighbourhood or approach that it was an exceedingly difficult matter to surprise the guilty parties, or to obtain evidence which would lead to conviction. The house of accused was suspected to be a shebeen; and at the early hour of half-past 6 on Sunday morning a policeman, who was off duty and dressed in plain clothes, was instructed to go to the house, accompanied by a companion, not a policeman, and to ask for liquor. The policeman and his companion got admittance, and obtained two supplies of whiskey, for which 8d. in each case was paid, the price being at the rate charged for the best whiskey. The liquor was supplied by the wife of accused, and he himself was present at the time. While the policeman was under examination in the witness-box, the bailie asked the fiscal if it was a right or proper thing that the members of the police force should be employed on such errands as going into shebeens and getting drink for the purpose afterwards of establishing a charge? The fiscal replied that it was almost impossible otherwise to secure evidence of shebeening. Accused, on being asked by the bailie what he had to say for himself, stated that on Saturday evening he had been down the town drinking, and that he had laid in a supply for home consumption on Sunday; but that on Sunday morning, when the two men called, he supposed that his wife had sold some of the whiskey, because he had less need of it than she had of money."

That was the state of things existing in the land of Sunday closing, and it represented what would be the effect of Sunday closing in Ireland. He would now read an extract from *The Scotsman*. Speaking about Mr. Bright's speech, in which he told the Irish agitators to blame the Government for the refusal of their demand by Parliament, that paper said—

"The insincerity of the demand, and the hopelessness of giving it real effect, were it ostensibly granted, are made plain by looking at the circumstances of Ireland compared with those of the other two kingdoms, in both of which similar experiments have been made. Presbyterian Scotland makes professions, and to some extent has habits, regarding Sunday incomparably more strict than any other Christian country, and it is not surprising to find that there is here a considerable amount of outward observance of the law against the public consumption of liquor on Sunday."

in other words, that hypocrisy was rampant—

"but what, after all, have been the results on the balance even here? There is not only a great deal of private and illicit drinking on Sunday, but whatever diminution has taken place on that day, must have gone to increase the drinking on other days, for, on the whole, we drink as much as before the law was made,

and that, too, in spite of the price of wine we drink having been doubled by additional taxation."

The consumption in Scotland, therefore, was absolutely increasing, and we heard from Scotland's own mouth that Sunday drinking and Sunday drunkenness were really matters of fact, notwithstanding the Sunday closing. But there was something beyond that to which he would refer. Ingenious Hibernians on the other side of the Channel sometimes looked for aid from this side; but was they looked for a certain class of aid it was a tolerably good proof that they had a shaky cause. What had the advocates of Sunday closing in Ireland done? They had brought over to Ireland a lady—"Mother Stewart," as she was called—to lecture about Sunday closing, and from what she said he presumed she was a lady of good sense. She said—and she had as large a gathering as Moody and Sankey had—"she did not believe in what they were doing in Scotland. She hoped that in Ireland they would get the Bill without the loopholes there were in Scotland. She was in Dundee last Sabbath week. She was at a prayer meeting. On her return she met thousands—*bond fide* travellers—rolling across the bridge drunk in the middle of the day." This was a matter of absolute fact. It was not his statement. He did not say that thousands were rolling over the bridge drunk, for the simple reason that he did not think a man who was drunk could roll over it. But the lady stated that as a matter of fact. She thought the Scotch law must be made more stringent before it would work. So much for Mother Stewart. Was that the sort of law, then, they were going to have applied to Ireland? He hoped, for the sake of his country, it would never be said that thousands of persons were drunk and rolling over the rickety bridges in the middle of the Sunday; and yet that was what it was said Sunday closing had done for Scotland. It would be incomparably better to let every man get any drink he wanted openly and without deception or trickery than have such a system as that going on. Look at the districts in Ireland where voluntary Sunday closing had been adopted, and what did they find there? Why, only last week the Judge of Assize in Tipperary, speaking in the county

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where Sunday closing was held up as a model to the rest of Ireland, told the grand jury that arrests for drunkenness there were enormously on the increase; and in the diocese of Ferns, also under the voluntary closing system, they were told that rowdyism and crime abounded; and if these were characteristic of any district it was always said that they flowed from, and were the natural outcome of, drunkenness. At the Enniscorthy petty sessions the other day several parties were convicted of disorderly conduct and assaults, and he saw from a report in *The Irish Times* that Mr. Cookman, the presiding magistrate, in alluding to the state of Enniscorthy, said that—

“If the town was not to be altogether given up to the rowdies, something must be done to put a stop to those disgraceful acts by more stringent measures or the increase of the police force.”

At the previous petty sessions one of the justices presiding said that the state of Enniscorthy was so bad that the farmers could not bring in their corn without being assaulted by the roughs of the town. What was the cause of this? Why, Sunday closing was at the root of it all. This state of things arose from drink taken secretly on the Sunday, by which the people were demoralized—and yet that was the system which was to be extended to the whole of Ireland. It was said that drunkenness on Sundays was so greatly on the increase that this Bill must be passed at once. Let them see what was the necessity for it. Taking the official Reports published in *Thom's Irish Almanac*, it would be found that crime had greatly decreased in Ireland of late years. Dividing the 30 years from 1845 to 1874 into decennial periods, he found that in the first 10 years, from 1845 to 1854, the convictions at assizes and quarter sessions averaged per year 12,808. In the second decennial period, from 1855 to 1864, the convictions averaged 3,595 a-year. The third decennial period showed a further improvement, the convictions having fallen to an average of 2,575 per annum. The worst class of crimes had declined in still greater proportions, the averages being 22·7 in the first, 5·4 in the second, and 3 per cent in the third decade. Imprisonment for petty offences summarily dealt with had also fallen off from an

average of 45,050 in the first 10 years to 21,589 in the second, and 19,594 in the third decade; while in the last year for which the Returns were given there was a still further reduction to 18,628. The imprisonments for drunkenness had also fallen off from an average of 15,543 in the first decade to 7,806 in 1874. How in the face of these official statistics it could be contended that Ireland needed a Draconian code to put down intemperance and crime passed his comprehension. He thought the Bill a very bad return for the improved morality of the Irish people, and he called upon the House to reject it. He had occupied the House a considerable time, and he was extremely grateful for the kindness shown to him. There was, however, one other question to which he would refer, and that was the *bond fide* traveller question. Of course the *bond fide* traveller would be protected under this Bill. The consequence would be that, say between Dublin and Kingstown, there would be a general migration every Sunday; friends in Kingstown would visit friends in Dublin on one Sunday, and a return visit would be paid the next, and before long *bond fide* travellers' clubs would be established. The result would be that, as Mother Stewart said of Dundee, thousands of drunken persons would be rolling about the streets, and matters would really be worse than they were at present. Let him say one word in reference to the Petitions in favour of this Bill. It was stated that 1,000 of these Petitions had been signed in England; but in Ireland they did not want Petitions signed in England to tell them they must adopt Sunday closing. That House had no right to take cognisance of Petitions got up in England in support of Sunday closing in Ireland—they might pay more attention to them if they were for Sunday closing in England. It was a remarkable fact that in none of the places where Petitions had been got up against nuns and nunneries had there been a single Petition in favour of Irish Sunday closing. The House might make what they could of that, but it was an actual fact. When a deputation of artisans waited upon him on this question he asked them whether there was not a great deal of Saturday night drinking, and whether it would not be advisable to shorten the hour of closing on Saturdays. The deputation,

representing about 24,000 artisans, said it would decidedly, and they thought 8 o'clock would be a good time to close. He asked if at any time 18,000 or 20,000 men would sign a Petition in favour of early closing on Saturday, and they said they would, but that it was unjust and unfair to close altogether on Sunday. He hoped the House would reject the Bill, which he thought was not only uncalled-for but unjust.

MR. STACPOOLE said, he was placed in a peculiar position with regard to this Bill, as many of his constituents were in favour of its principle. Notwithstanding that, however, he must say that, in his opinion, neither men nor women could be made moral, sober, or religious by Act of Parliament. He believed, with the hon. Member for Limerick County (Mr. O'Sullivan), that if this Bill passed there would be great disturbances in many districts in Ireland, because the people would not be likely to submit quietly to be deprived of that which they had hitherto enjoyed. He trusted, therefore, that this Bill would not be carried; and he was the more anxious that it should not pass because it was a Bill that would press hardly on the poor, and not in any degree interfere with the comfort and enjoyment of the rich. He would support an Amendment for closing public-houses early on Saturday, as much more drinking took place on that day than on Sunday.

MR. M'CARTHY DOWNING said, he wished to explain for the first time why he intended to vote for this Bill. It was because the preponderance of opinion in Ireland of all classes and creeds was in favour of Sunday closing. The figures quoted by the hon. Member for Drogheda (Mr. O'Leary) referred to a period of famine, when petty larcenies and every description of crime prevailed to a large extent and increased the convictions. He believed that drunkenness in Ireland was not on the increase; but on the decrease, and the Judges on circuit made a great mistake in speaking of the increase of drunkenness. They were probably led into this error by the Returns of the County Inspectors. Formerly, up to 1874, a man taken before a magistrate for drunkenness was fined 6*d.* and dismissed, and no record was kept; but by the Act of 1874, a summons was required, and so every case was recorded.

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On the other side, Mr. Baron Downes Trim congratulated the Grand Jury on the great decrease of drunkenness, and the learned Judge at Cork said that a district in Ireland was freer from crime than the West Riding of Cork. To show that drunkenness in Ireland was not increasing he would take the last Return with reference to the number of gallons of spirits drunk in a year in the Three Kingdoms. In England the number of gallons was 16,742,000, in Scotland it was 6,872,470, and in Ireland 6,490,000; so that there was more drinking in Scotland than in Ireland by 381,000 gallons, although the population of Ireland was nearly 2,000,000 more than that of Scotland. He entirely agreed with the hon. Member for Drogheda that the greatest amount of drinking took place on Saturday evenings, and he should certainly prefer to see a Bill brought in to close at 7 o'clock on Saturday evenings than that the public-houses should be closed entirely on Sundays. He thought the houses should be opened at least two hours on Sunday afternoons, as it would be very hard to deprive persons who went out for enjoyment in the country from getting a reasonable amount of refreshment. He would support the second reading of the Bill; but if an Amendment for early closing on Saturdays were proposed, he did not say that it would not receive his support.

MR. O'CLERY considered the argument that Sunday closing would produce disorder was utterly groundless. Twenty years ago the county of Wexford, which he had the honour to represent, undertook voluntarily to close all public-houses on Sundays, and he could assure the House that it was now more anxious that Sunday closing should be continued than it was in the first year. So far from violence and disorder being the natural outcome of that system, he could fearlessly assert that there was no county in Ireland which could show a better record of good order or respect for law in every sense than Wexford. The clergy of all denominations were in favour of this measure, and it might fairly be assumed that they were better judges of what was provocative of violence and disorder and more to be relied upon than the haphazard assertions of newspapers and magistrates with regard to the town of Enniscorthy.

SIR EARDLEY WILMOT said, he took a very deep interest in this question, and had urged upon the Prime Minister, as one of a deputation last year, the importance of the Bill being carried in deference to what might be called the almost universal wish of the Irish people. The right hon. Gentleman did not assent to the measure as one for total closing on Sundays, and refused to accept the measure in that shape. He (Sir Eardley Wilmot) afterwards suggested to the right hon. Baronet the Chief Secretary for Ireland that the objections to the Bill might be met by allowing the public-houses to be open from 1 to 3 o'clock in the afternoon, which would permit those who required it to obtain all necessary refreshment, and prevent those who were inclined to indulge in evening drinking from doing so, and thus to a large extent, if not wholly, get rid of the evil at which the Bill was aimed. He found, however, that that proposal did not receive the approval of those who had charge of the measure, and therefore he decided on giving his unhesitating and entire support to the Bill as it stood. He had heard with much gratification the declaration of the right hon. Baronet the Chief Secretary for Ireland that the Government would not oppose the Bill, and he trusted that if a division took place many of its Members would be found in the Lobby with those Members who supported it. It would be unwise and unseemly on his part to detain the House at that late period of the debate by any remarks on the general question. He would only say that after the lengthened discussion which had taken place, and after listening attentively to the speeches of those hon. Members who had opposed the Bill, his sentiments and convictions on the subject were not in the least shaken, and he should give his vote in favour of the expediency of passing this Bill as a response to the voice of the people of Ireland. Much had been said about the operation of a similar Act in Scotland, and upon that point widely different statements had been made. All he would say was that in legislating for Ireland they had different circumstances, and if they were convinced that in that country the measure would be beneficial, they ought to pass it without reference to the consequences which might have been experienced elsewhere. All the working

men in Ireland to whom he had spoken on the subject had expressed themselves strongly as to the many evils which attached to the opening of public-houses for drinking on Sundays, and in their interest he hoped the House would agree to the Bill.

MR. YEAMAN said, as one of the Members for Dundee he could only say, in reply to the statement of the hon. Member for Drogheda (Mr. O'Leary), that he thought "Mother Stewart" was rather inaccurate in her facts, inasmuch as there was no "bridge" at Dundee. A railway bridge was in course of construction, which was expected to be completed in a year and a-half from this time; and there were two ferry-boats, which sailed every half-hour or hour, carrying large numbers of passengers: and he had never heard of such general intoxication about the streets as that alleged. As to the Forbes-Mackenzie Act in Scotland, under which public-houses were all shut on Sunday, he had had experience during a great many years—not less than nine or ten years—as a member of the General Licensing Board of Dundee, which had a population of 140,000 people, and he had never known any one complain of the operation of that Act. Everybody was pleased with it, and he believed that if it were attempted to open again the public-houses on Sunday in Dundee the publicans themselves would be the first to throw opposition in the way of that being done. He could also testify to the fact that since the passing of the Forbes-Mackenzie Act drunkenness had greatly decreased in Scotland. He was not going to speak of what the effect of such a law might be in the large English manufacturing towns, or in the large towns in Ireland; but from all he could learn, and judging from the unanimity which prevailed amongst the representatives from Ireland in that House, and amongst all classes in that country on the subject, he thought that this was a Bill which ought to be passed. He was very glad, therefore, to find that the Government had waived their opposition, and were willing to allow this Bill to proceed.

MAJOR O'GORMAN: I have already addressed the House on this subject so lately and so fully that I do not now wish to address it at any length. I have thought over the Bill very carefully since

the Resolution was passed on which it is founded, and the more I look into it I must say that I am not more friendly to it than I was before. I have spoken to very many people upon the subject, and I have not heard a single person say he was in favour of it. Reference has been made to the closing of public-houses in Scotland on Sundays. Whatever may have been the result there I would point out that there is a great difference between the two countries; and also that you cannot apply to the rural districts that which may possibly do for the towns. There are many Irish villages in which you will find only one or two public-houses, and I will venture to say that in most cases from Monday morning to Saturday they are left totally unused. The farmers and the peasants are engaged daily with their horses in ploughing the land and carrying on other farming work; they have no time to go to public-houses at night, and they do not do it. They put off their visits there till Sunday. [*A laugh.*] Well, that is the truth. In every village there is either a Roman Catholic church or a Protestant chapel, and the people go to these villages for the purposes of devotion. There is not a more religious people in the world than the Irish, and neither men nor women will absent themselves from church on Sundays. After their devotions they do not think it any sin to go to the public-house to meet their friends and neighbours and have a little refreshment—consisting generally of a glass of beer or porter. After that they go home without being in the slightest degree intoxicated. I know that from my own experience. I could swear to it, if necessary, upon oath. Hundreds, I might say thousands, thus meet for refreshment and neighbourly intercourse on the only day that is open to them. In the locality with which I am connected there is a little watering place—Tramore—about seven miles from Waterford. It is connected with Waterford by a railway, and the managers of the railway put on two pleasure excursion trains specially on Sundays to Tramore. By these trains hundreds, I may say thousands, every Sunday leave Waterford and other places in the neighbourhood to enjoy the open air and pleasant change, and am I to be told that when they arrive at Tramore they are to have no refreshment? It might be said that these persons were

*bonâ fide* travellers, and would therefore be entitled to be served with refreshments. But what was to be done with the persons who served them? Why, if this wretched and abominable Bill passed it would turn everything topsy turvey. Instead of the people of Tramore entertaining their visitors, their visitors would have to entertain them. I never heard of such a thing before. When you are visited you must entertain your visitors, but all that is to be changed by this miserable Bill. But let us see how it will work in a different way. Last year about this time the weather was very wet. I had a great quantity of hay out, and I was apprehensive that I should lose it all through the rotting of the grass on the field. One Sunday came in bright and sunshiny. I went up to the field about 2 o'clock to have a look at the hay, and there to my surprise I found a lot of people turning my hay, making the most of the fine day, and before 8 o'clock it was all dried and turned up into tidy haystacks. My hay was saved by this timely help; but those people would not take any money reward. Was I to allow them to work from 2 to 8 o'clock without some acknowledgment? No. I sent to the nearest public-house for three barrels of porter, and very soon afterwards the contents disappeared, for the people were perspiring as freely as possible, so that the porter ran out of them as fast as it went in. Is there a man in this House who will get up and say that if he had been in my place he would not have done the same? If so, I can only say that I would have a very low opinion of him. Yet the provisions of this delightful Bill would have prevented my doing it. If this Bill passed, and your hay was in danger of rotting, and if the people who would not accept money could not have a little refreshment after saving it, they would say, "No thank you. Good evening to you." I cannot understand this Bill. You may drink as much as you like from Monday morning to Saturday night in public-houses, but it does not abolish drinking in private houses on Sundays; but on Saturday a man may buy as much as he pleases for Sunday. This was done in Scotland and assuredly would be done in Ireland. The effect would be to encourage the consumption of drink in people's own houses, and that with very undesirable results. At present only the

head of the family enters a public-house on Sundays—the wife, if she does so, soon leaves; but if the houses are closed the drink will be carried home, and wife and children will thus acquire a liking for it, which, but for this wretched Bill, they never would have had. Another consequence is likely to follow, the increase of houses for the illicit sale of liquors; and so many of the most important social interests of the country are to be sacrificed to the crotchets of the men who bring forward such a measure as this. If English Members vote for it, they may rest assured that a similar Bill will be introduced for England—and I should like to see their treatment of it! Practically, however, this is a coercion Bill, brought forward by Irish Members to coerce their own countrymen. Irish Members—patriots who come from Ireland to denounce coercion which permits the seizure of arms not held by licence—have gone to the Government and asked for the abolition of those restrictions. The Government has told them they have very greatly reduced the amount of coercion, and hope in a short time to be able to do away with it altogether. Oh, say the patriots, if you do that we shall bring in our coercion Bill, imposing pains and penalties on a great mass of our own honest, orderly, and industrious fellow-countrymen, and we shall expect you to help us to pass it. As to the prevention of drinking, you must not think that there will not be plenty of opportunities of drinking if this Bill is passed—the people will get liquor on a Sunday from beer-houses of an illicit description. The mode of giving licences may be improved in favour of Sunday travellers. In my neighbourhood magistrates will not grant seven-days licences, but only six-days licences. I verily believe that the six-days licences sell more liquor than the holders of seven-days licences, because they distribute their liquor for Sunday consumption through houses which the police cannot enter. The natural consequence of the Bill will be that illicit drink-shops will be opened, the police will have to be employed to arrest persons frequenting them and the keepers, and the magistrates will have to punish the offenders, and a very disagreeable duty indeed it will be to the magistrates. I beseech English Members not to vote for this Bill, which if

passed will, from East to West, from North to South, afflict Ireland with a canker of lawlessness, drunkenness, and debauchery.

Mr. CALLAN opposed the Bill. He thought that what was required was a further limitation of hours and not a total closing on Sundays. As to the operation of the Forbes-Mackenzie Act in Scotland, a Committee of that House referring to the scenes which took place on Sunday at Glasgow Green and at Dundee, stated that scenes of the greatest disorder occurred at those places—and this, too, in a country where Sunday drinking was prohibited. He had himself been in Glasgow on a Sunday, and the scenes of demoralization which he witnessed on the Green of the city were of the most disgraceful character, and fully justified the evidence given before the Committee of the House. If such was the effect of the closing of public-houses in Scotland, he should be sorry to see a principle of legislation adopted with respect to Ireland that might have the effect of leading to such results. Referring to the Petitions which had been presented in favour of the Sunday closing in Ireland, he observed that many of them were from the Wesleyan Body. Now, these very persons were the same petitioners who prayed the House to do away with convents and monasteries in England. It was not, therefore, very likely that the arguments of such petitioners could find much favour with the people of Ireland; and he might add that the Members representing the northern counties of Ireland who supported the measure were also the supporters of the proposal to close monastic institutions in this country. The Dublin Royal Society had also petitioned in favour of the Bill; but he could not help remembering the Society had a large grant from the Government; they had an excellent house, a fine library, and other accommodation, all of which was open on Sundays, and he certainly thought it was inconsistent on their part to support such a Bill as this. He hoped that his hon. Friend the Member for Londonderry would give up his Bill for the present, or send it to a Select Committee, to consider the whole question involved in it, and that next year a new Bill should be introduced, in which permission given for public-houses

populous part of the country, and the whole of the surrounding district which was not enumerated among the inhabitants contributed to the keeping up of the public-houses. The matter was therefore one for the judgment of the local authorities. The most objectionable portion of the Bill was that which put an end to grocers' licences. The effect of that would be seriously to increase the present monopoly of those grocers having licences—it would make their monopoly more valuable than it was at present. He did not see that there was any great evil in a householder sending to a grocer's shop for what drink was required for the family, for some drink might be required for medicinal purposes, and it would be a great hardship to compel a family to send a servant or one of the children to a public-house to obtain a small amount of alcohol. It was proposed to restrict the sale of drink in grocers' shops to a quart bottle; and he (Mr. Anderson) thought it should be restricted to a bottle of some kind, but that a quart bottle was out of the question. He thought there ought to be no selling from the tap in grocers' shops. The clause dealing with that point was the only tolerable clause in the Bill. There was another clause putting a stop to table beer licences, but that provision was contained in a Bill which passed in the course of the present Session, and therefore it was unnecessary. There was therefore only one clause which was good, and that was unnecessary. Another clause had a certain amount of good in it, but not enough to induce him to vote for the second reading of the Bill. The other clauses were entirely wrong, and he must therefore vote against the second reading.

SIR HARCOURT JOHNSTONE thought the provisions of the Bill were not such as any reasonable man could object to, though he did not think the House would adopt all of them. It would, in his opinion, be exceedingly difficult to fix a rule as to the number of public-houses in proportion to the population, because the needs of different localities very greatly varied. He himself once brought in a Bill based on the same lines as the present; but the figures he adduced might be refuted by dexterous manipulation so that he could not stand on that ground any longer. With regard to grocers' licences, there was a unan-

imous opinion on the part of the county magistrates and licensing committees of quarter sessions in England that a great evil had accrued to the community in consequence of the grocers' licences. In these days we could not interfere with any vested interests, but a stop ought at all events to be put to an increase in the number of these licences. With reference to what had fallen from the hon. Member for Glasgow (Mr. Anderson) he might remark that to multiply the number of grocers' licences would increase the strength of the monopoly. He thought some of the clauses good, and hoped the House would give the Bill a second reading.

MR. MARTEN rose to move that the Bill be read a second time that day three months. In the first place, he objected to the Preamble, and proposed to show that the principle on which it was founded was one which this House ought not to adopt without much further consideration. In the second place, it was not expected that the Bill would pass in the present Session, and he objected to a solemn declaration of a principle which it was not intended to carry into action. In the next place, the Bill did not embody any final or conclusive proposal, but only professed to be a temporary measure. Again, if the Bill related exclusively to Scotland, he should have felt great diffidence in making observations respecting it, especially if the Scotch Members were generally agreed on the principle. But in reality the Preamble was of a general character. It bound the House to contemplate further legislation, and to accept the principle of this particular Bill until some further legislation should be introduced which would deal with the law as to the sale by retail of intoxicating liquors. If there were some particular Amendment to be introduced which the House was satisfied was an expedient thing to be carried on its own merits, without regard to further legislation, then let a Bill founded on a preamble reciting the grievance or particular point of law to be amended be introduced into the House. But they ought not at that time, on a subject which created the greatest difficulty throughout the country, to pass a Bill founded expressly not on the idea of making the present proposal of a final character, but on the principle of encouraging it. Therefore

*Mr. Anderson*



he objected to the principle on which the Bill was founded, according to the recital of the Preamble. Besides, the Bill would introduce into our law a new principle which was open to the greatest possible objection—in fact, it was only another form of the Permissive Bill, for by two clauses of this Bill the popular vote was introduced. There was to be an application approved of by a majority of the persons rated towards the relief of the poor within 500 yards of the House which was to be licensed; and a similar approval had to be expressed in the case of a transfer of a licence. What was this but the principle of the Permissive Bill? The House had already repeatedly refused to recognize the principle of the Permissive Bill, which this measure involved, and he protested against the introduction of the principle in one part of the United Kingdom in a measure of a fragmentary character such as this, when Parliament had declined to apply such a principle to other parts of the country. With regard to that portion of the Bill which provided that persons living within 500 yards of a particular point should have a right to stop a particular trade in that locality, he could not see that any sufficient ground had been stated for such a proposal. Why should the immediate neighbourhood be invested with that power?—a power practically of saying whether this or that trade should be carried on in a particular locality. Why should one trade be subjected to such a restriction any more than other trades? There were many other trades which were equally or more obnoxious. There were slaughter-houses, chemical works, and other works or trades which were extremely obnoxious to many persons living in their neighbourhood; and why should not the same restriction apply to these? He denied entirely that the neighbours were the persons who ought to decide a question of this nature. The proposal with regard to investing immediate neighbours with such a power was founded on an entirely false principle. Then with respect to the proposal to limit the number of public-houses to any particular figure, that was founded on the idea that the more public-houses we had the greater would be the extent of drunkenness. He believed that the

was exactly the reverse, and that number of public-houses tended

rather to decrease drunkenness. When there was a number of small public-houses there was this probability—that in going to the one which was in his immediate neighbourhood, a man would in a measure be under the eye of his neighbours and acquaintances, and under the eye of his own family; whereas if a system of centralization were carried out, we should have huge gin palaces set up, where he would probably go and spend a much longer time and indulge in more drink. He therefore objected to this proposal to establish huge gin palaces in place of what might be looked upon as small clubs. With regard to the argument as to the number of public-houses increasing the amount of drunkenness, he had obtained statistics which showed, he maintained, that the effect was rather the reverse. In the case of Cambridgeshire, the number of public-houses was in the proportion of 1 to 110 of the population, and yet that county stood nearly at the head of the list in respect of sobriety. In Huntingdonshire, the number of public-houses was in the proportion of 1 to 104 of the population, and yet the number of cases of drunkenness there was only at the rate of 1 in every 749 of the population. On the other hand, the number of public-houses in Durham was 1 to 211 of the population, yet Durham stood nearly at the head of the list in respect of drunkenness. It was shown, therefore, conclusively that the number of public-houses tended rather to the decrease of drunkenness than otherwise. That being so, he denied that the principle upon which Clause 3 of the Bill rested was one which could be sustained. With respect to grocers' licences—a subject about which there had been a good deal of agitation in the country—all would agree as to the desirability of checking drunkenness as far as possible, but we differed as to the means of attaining that object, and he did not approve of this proposal regarding grocers' licences as one of those means. The existence of grocers' licences was at the present moment the one good thing which secured to us the supply of moderately good liquor. He believed that the publicans sympathized with the desire to take away the grocers' licences, because it would to that extent affect their profits. The grocers were placed between two fires—the publicans on the one hand,

who desired the sale of liquors in their own hands, and on the other hand those who desired to stop the sale of liquor altogether. But he trusted that the House would not assent to the proposal of either party. As to the matter of restricting the quantity which grocers might sell to a quart bottle, while he did not agree as to the quantity, he objected that any rule should be introduced on the subject for one part of the country which did not apply to another. On these grounds, and considering the Bill was based on a pernicious principle, he moved the rejection of the Bill.

Amendment proposed, to leave out "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Alfred Marten.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. M'LAREN said, he had seldom heard a speech in that House which contained so many fallacies as did the speech delivered by the hon. and learned Gentleman opposite (*Mr. Marten*). There was one thing which must have occurred to every hon. Member who had listened to that speech, and that was, that every illustration in regard to a Bill specially applicable to Scotland was drawn by the hon. and learned Gentleman from England, and England alone. Here was a Bill introduced for the purpose of remedying evils which existed in Scotland, and the only proofs which the House was asked to consider in opposition to it were drawn from Cambridgeshire and the neighbouring counties. The observations of the hon. and learned Gentleman showed clearly that he did not know very much about England in regard to the matter of public-house licences; for, with respect to the limitation of the quantity of spirits which a grocer might sell to a quart bottle, he had remarked that it would be desirable that any legislation on that matter should be uniform for the whole of the United Kingdom. Now, with that remark he (*Mr. M'Laren*) entirely agreed; but the fact was that it was for the purpose of securing uniform legislation for the United Kingdom that this clause was introduced into the Bill. The law in England—although the hon. and learned Gentleman appeared to be ignorant of the fact—was that no person

could sell less than a quart, and therefore it was not unreasonable that Scotland should come to Parliament and ask to be put on the same footing in that respect with England. It had been urged that the principle of restricting the number of new licences to 1 in 500 of the population was a new one, and hon. Members had spoken as if such an idea had never before been broached; but it was within his (*Mr. M'Laren's*) own memory that the Secretary of State for the Home Department under the last Government did himself bring forward a Bill of the same nature, only of a more stringent character than the present measure. Whilst the present Bill required that there should be only 1 public-house for every 500 of the population, or for every 100 families of five persons on an average, the Bill of Lord Aberdare proposed that there should be only 1 to every 1,000 of the population, or for every 200 families of five persons each. The present Bill therefore provided for double the number of public-houses which were provided for by Lord Aberdare's Bill, the official organ of the late Government; and yet the present measure was held up to the House as if it was something new in the history of legislation. Then we were told that the diminution of public-houses would lead to the erection of huge gin shops. Why, that was the case already. If the hon. and learned Gentleman had been acquainted with the state of matters in the large towns in Scotland, he would have known that those large gin palaces already abounded there, and that there was no tendency to their being diminished in number. In dealing with this subject it ought to be kept in mind that the people of Scotland knew their own interest. They knew that by this Bill they would benefit themselves without doing injury to any other part of the country, and the records of the House showed that it was a measure in favour of which an immense number of Petitions had been presented. The feeling in Scotland was undoubtedly to a large extent in favour of it. The measure, however, had been objected to on various grounds, and amongst others that it was simply a "Permissive Bill" a little disguised; but anyone who knew Scotland, and how the measure was likely to operate, must know that such was not its nature. The Permissive Bill had

*Mr. Marten*

been described as implying the total extinction of public-houses, but to attribute that object to this Bill, and call it by such a name, seemed to him a strange infatuation. There were many streets and squares in every large town in Scotland where the houses were all private residences, and where there was not a public-house or place of business of any kind; and it had been found that a particular party, having secured a house in one of these streets, thought it advantageous to himself to convert it into a public-house. He got a licence, and made a bargain with his tenant whereby he was enabled to receive perhaps double the rent he would otherwise do for the house as a private residence. The consequence was that whilst the house which thus obtained a licence was greatly enhanced in value, the value of the properties adjacent were greatly deteriorated. He had in his eye a case where, of two or three houses next to the one which had been thus dealt with, one was unlet for a year, whilst the second and third from it were greatly reduced in rent. The contiguous properties were, in fact, all materially injured by such public-houses. He asked hon. Members who chose to consider this Bill in a fair spirit whether if some 50 proprietors agreed to erect houses of the same class in the same street, without any provision whatever in regard to public-houses, it was right that their property should be thus injured by one of these men turning his residence into a public-house? Persons in the large towns in Scotland objected to having private residences next to public-houses, and would only lease such residences at a reduced rent. That was the explanation of the provision, that no new licence should be granted, unless the majority of the inhabitants within 500 yards of the proposed public-house were favourable to its establishment, and it was not only defensible, but it was an admirable provision, which ought to commend itself to every hon. Member of the House. In conclusion, he would not detain the House any longer, lest the measure might be talked out; and he wished only to say, that whilst he did not approve of everything which appeared in the Bill, and would be content to see it amended in some respects in Committee, he thought that the principle of the measure ought so far to be affirmed

as that it should be read a second time.

SIR HENRY SELWIN-IBBETSON did not like to allow the discussion on the Bill to close without saying a few words expressive of his own opinions only. There were some clauses of the Bill to which he gave a hearty assent; but, on the other hand, there were certain provisions in it to which in that House he had always given opposition. The first operative clause of the Bill was the 3rd, which proposed to deal with the limitation of houses by population, and he ventured to think, and had always thought, that that was a mode of dealing with this question which was eminently unsatisfactory, and which if acted on would tend rather to set up an increased number of public-houses. Clause 4 proposed to deal with a question to which he had given his assent, though not in the way or to the extent provided for by this clause. On former occasions when the subject was under discussion, he had said it would be wise and tend very much to promote what they had all at heart—namely, the diminution of the drunkenness which existed in the country—if the sale of spirits were taken away from grocers. Whilst he was not prepared to say that the power which they had of selling wine and beer in bottles was detrimental, he did maintain that, with regard to the sale of spirits, Parliament had introduced a system which had acted prejudicially, and had increased the drinking of spirits throughout the country. So far, then, as this clause would do away with the future granting of licences for the sale of spirits to grocers throughout the country, it would have his own hearty support. With another clause which dealt also with the sale of spirits by grocers in Scotland he equally agreed, and that was the clause which limited the sale to closed vessels. He was aware that the law of Scotland allowed spirits to be sold by the glass, and he thought that such a privilege encouraged drinking. He, therefore, if grocers were to continue to sell spirits at all, wished to see their licences assimilated to the law of England in that country. With regard to another proposal which had been commented on—namely, the power of removing licences—he would remind the House that such a power was granted under the English Licensing Act to the

magistrates, and he believed that the power had been most usefully exercised in reducing the number of public-houses in over-crowded districts. But he confessed that he did not agree with the hon. Gentleman who had last spoken (Mr. M'Laren) in his appreciation of the latter part of that clause, in which power was given to the ratepayers by a majority to object to the introduction of a public-house into their district. He would prefer to leave the law as it was at present, with the power that existed for insuring the owners of the property against the introduction of licensed houses into their neighbourhood if they chose to exercise it, rather than introduce the principle to which he had already objected, that any majority of the ratepayers might decide in this particular trade, and not in any other trade, as to whether it should be carried on in their district. There was only one other clause to which he need make any reference, and that he thought the House would do well to assent to—namely, the abolition of the table beer licences. If he could persuade his hon. Friend the Member for Bute (Mr. Dalrymple) to withdraw his Bill on the present occasion, and consider the subject carefully before another Session, he would infinitely prefer that to the House giving what he thought would be an undecided vote upon a measure which would require a great deal if not material amendment before it became law.

MR. MARK STEWART said, although he should support the second reading, he must join the hon. Baronet in asking the hon. Member to withdraw the Bill in order that it might be more thoroughly considered during the Recess, and when they might approach the subject enlightened by that debate, and to bring in a better Bill next Session. They all knew that it would be practically impossible to carry this Bill in the present Session if anything like opposition was shown to it. At the same time, he must say that the introduction of this measure had given great satisfaction to most of the people with whom he had come in contact in Scotland, and there was a very keen interest felt amongst a large number of constituencies respecting it. They did not believe that the Bill could in its present shape become law, but they saw in it the germs of legislation which was capable of doing good

service. He rather shared the view of those who thought the promoters of this Bill had not fully matured this subject in their own minds, and that was an additional reason why it should not be pushed forward in the present Session. Although he was not one of those who believed that they could make people sober altogether by Act of Parliament, still there were statistics which proved that owing to a diminution of public-houses in certain districts there had been a great reduction of intemperance, and he thought that if some such scheme as the Bill embodied were laid before the House, with the authority of the Government, it would be very popular in Scotland, would attain the object of temperance reformers, and would certainly stay the agitation for the Permissive Bill. With regard to the grocers question, he conceived that there were some difficulties about that matter which had not been laid before the House at all. It was well known that in large centres, such as Edinburgh, there were grocers who were in the position of large wine merchants as well; and to withdraw the licences from such persons might be a matter of very great pecuniary hardship; but, at the same time, his experience told him that the feeling in Scotland was favourable to dealing with grocers' licences in the way proposed by the Bill. He need not tell the House that the feelings of the Presbyterian and other Churches of Scotland were in favour of the Bill; and if it were postponed until next Session and amended in some respects, it would have a better chance of being passed into law than at present.

COLONEL MURE said, that sometimes when he listened to the terrible pictures which were drawn of the evils that resulted from drink in this country, he wondered that more people did not vote for the Permissive Bill, even although he did not vote for it himself. The hon. and learned Member for Cambridge (Mr. Marten) had spoken upon this measure without seeming, as far as he could make out, to have been much in Scotland, or to have obtained much information about that country. If the hon. and learned Member had been much in Scotland, he would at least have found out one thing, and that was, that the drinking habits of the people of Scotland—more particularly of those in large towns—were not only the source

of most of the crime which existed in that country, but also that they were every day producing a feeling of disgust amongst the respectable inhabitants. It was those drunken inhabitants who every year not only increased taxation, but caused an immense amount of suffering amongst women and children, and brought the people face to face with the agitation in connection with the Permissive Bill. Putting aside the enormous advantage it would be if they could get rid of the crime and suffering caused by drink, he thought that it would be a great advantage in itself if, by passing any measure of this kind, they could get rid of the agitation which otherwise would arise every year in regard to the Permissive Bill. For himself, he was convinced that the drinking habits of the people of Scotland were a great deal worse than those of the people of England. ["Oh, oh!"] In the neighbourhood of Glasgow a very strong agitation arose last year in consequence of the enormous number of licences that had been granted; and in connection with this very Bill he had had repeated representations made to him of the gross abuses attributed to the Justices in granting so many licences in that vicinity. It was unquestionably the case that if they had fewer public-houses in a place in proportion to the population they would make the exercise of police supervision much easier. He believed, moreover, that where they had a vast number of small public-houses in a district, the effect was to reduce the quality of the liquor sold. He was very glad to find that his hon. Friend (Sir Henry Selwin-Ibbetson) at least agreed with some parts of the Bill; and he believed that if they were to go to a division and were beaten, his right hon. and learned Friend the Lord Advocate would feel bound after the expressions that had fallen from the hon. Gentleman to bring in a Bill next Session.

SIR HENRY SELWIN-IBBETSON: I would remind my hon. Friend that I said I spoke my own views entirely.

COLONEL MURE said, he was glad, at all events, to have one Member of the Government who recognized the evils that existed in Scotland, and was anxious to do something to mitigate them. With regard to the power of removal of licences, all they wanted was to have that power made exactly the same as it existed in

England. But there was one remark which fell from the hon. Baronet which he should like to allude to for one moment. He said that the ratepayers at the present time had it in their power to reduce the number of licences. That was perfectly true—the ratepayers in burghs in Scotland had the power, if they were only to exercise it, of reducing the number of public-houses. At present the bailies were elected by the ratepayers, and the magistrates were chosen from amongst the bailies; but every time that the election of the bailies took place in Scotland what happened? The liquor question was introduced, and how did the majority vote? they voted in the interest of the licensed victuallers. And as long as that condition of things existed, he was convinced that if the House were to pass the Bill of the hon. Member for Carlisle (Sir Wilfrid Lawson) to-morrow the effect would be in a great number of places exactly the contrary to what he expected.

MR. BAILLIE COCHRANE was glad that an hon. Member for a Scotch constituency had had the courage to tell the truth. In spite of the Forbes-Mackenzie Acts and other Acts passed with reference to Scotland, drinking in that country was greater now than it was previous to their being passed. He was himself opposed to all this kind of legislation, as he did not believe that they could improve the social habits of the people by Act of Parliament. With regard to this particular Bill, he objected to it *in toto*.

MR. E. JENKINS said, he rose for the purpose of asking the Lord Advocate what the mind of the Government was on this measure. They had heard a speech from the hon. Member for Essex (Sir Henry Selwin-Ibbetson), but the hon. Gentleman disclaimed having spoken at all in any Governmental or authoritative way, and it would be only respectful to those whose names were on the back of the Bill, as well as to a strong party in Scotland who were supporting it, if some sort of announcement were made from the front bench as to the course which the Government proposed to take.

THE LORD ADVOCATE said, that the question involved in the Bill had not been considered maturely by the Government. He could only say that they gave their cordial support to the Bill brought in by the hon. Member for Glasgow re-

gulating the granting of licences. That Bill had passed into an Act, but there had been no time yet to ascertain what would be the effect of it. He believed that it would effect a very considerable improvement in matters connected with public-houses in Scotland, and the Government gave their support to the Bill on that understanding. The present Bill contained several propositions, which had been supported by most of the hon. Gentlemen who had addressed the House. The hon. Baronet the Under Secretary (Sir Henry Selwin-Ibbetson) who took a great interest in this question, had expressed his opinion rather against the clauses which were contained in the first portion of the Bill as to determining the number of licences which should be granted with reference to population. He (the Lord Advocate) did not know any person who was better entitled to express an opinion on the matter than his hon. Friend, because, as he said himself, he had originally entertained a different opinion, but he came, after due consideration, to the conclusion that no good result would ensue from these clauses. The question was obviously one which required great consideration with reference to the interests of England and Ireland, it might be, as well as of Scotland. With reference to the way in which the Bill dealt with grocers' licences, he thought that the grocers were placed in a very peculiar position at present, for they were opposed to two rival interests—that was to say, those who were proposing to get rid of their licences in the interest of temperance or teetotalism, and those who were trying to get rid of their licences for the purpose of enlarging the public-house interest. He thought, upon the whole, that the measure had not received that amount of consideration which it ought to receive, and the safe course would be for the hon. Gentleman who had moved the second reading to consent to the withdrawal of the Bill to enable further time to be given for its consideration. If the hon. Member did not take that course, he must express his own individual opinion that the Bill should be read a second time on that day two months.

MR. DALRYMPLE intimated his intention to take a division on the Motion for the second reading.

MR. ORR EWING rose, and was addressing the House, when—

*The Lord Advocate*

It being a quarter of an hour before Six of the clock the Debate stood journeyed till *To-morrow*.

#### METROPOLIS GAS (SURREY SIDE) BI

Bill read a second time, and committed Select Committee of Five Members, Three nominated by the House, and Two to be nominated by the Committee of Selection.

*Ordered*, That all Petitions presented as the Bill be referred to the Select Committee the Bill, provided such Petitions are presented one clear day before the meeting of the Committee; and that such of the Petitioners as to be heard, by themselves, their Counsel Agents, be heard upon their Petitions, if think fit, and Counsel heard in favour of Bill against the said Petitions:—That the Committee have power to send for persons, papers and records:—That Three be the quorum.—*Charles Adderley.*)

#### JURORS REMUNERATION BILL.

On Motion of Mr. HENRY B. SHERIDAN to provide for the Remuneration of Jurors Coroners Inquests and in Criminal Cases, as to be brought in by Mr. HENRY B. SHERIDAN, Mr. WHITWELL, Mr. MACDONALD, and JOSEPH COWEN.

Bill presented, and read the first time. [Bill

#### WINTER ASSIZES BILL.

On Motion of Mr. Secretary CROSS, to amend the Law respecting the holding Winter Assizes, ordered to be brought in by Secretary CROSS and Mr. ATTORNEY GENERAL. Bill presented, and read the first time. [Bill

Then the House having gone through the Unopposed Business on the Paper

House adjourned at five minutes before Six o'clock

## HOUSE OF LORDS,

*Thursday, 13th July, 1876.*

MINUTES.]—*Sat First in Parliament*—The Earl Howe, after the Death of his Brother. PUBLIC BILLS—*First Reading*—Legal Practitioners (Ireland)\* (170); Nullum Tempus (Ireland)\* (171). *Second Reading*—Medical Practitioners\* (15); Customs Duties Consolidation\* (162); Customs Laws Consolidation\* (163). *Committee*—Local Government Board's Provisional Orders Confirmation (Chelmsford, &c. (161); Local Government Board's Provisional Orders Confirmation (Artizans and Labour Dwellings)\* (127).

*Committee—Report—Burghs (Scotland) Gas Supply* \* [124-172]; County of Peebles Justiciary District (Scotland) \* [158].

*Third Reading—Crab and Lobster Fisheries (Norfolk)* \* [154]; Local Government Board's Provisional Orders Confirmation (Bingley, &c.) \* [136], and *passed*.

*Royal Assent—Prevention of Crimes Act Amendment* [39 & 40 *Vict. c. 23*]; Small Testate Estates (Scotland) [39 & 40 *Vict. c. 24*]; Burghs (Division into Wards) (Scotland) Amendment [39 & 40 *Vict. c. 25*]; Publicans Certificates (Scotland) [39 & 40 *Vict. c. 26*]; Local Light Dues (Reduction) [39 & 40 *Vict. c. 27*]; Admiralty Jurisdiction (Ireland) [39 & 40 *Vict. c. 28*]; Coroners (Dublin) [39 & 40 *Vict. c. 93*]; Kingstown Harbour [39 & 40 *Vict. c. 95*]; Smithfield Prison (Dublin) [39 & 40 *Vict. c. 96*]; Waterford, New Ross, and Wexford Junction Railway (Sale) [39 & 40 *Vict. c. 98*]; Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.) [39 & 40 *Vict. c. 92*]; Oyster and Mussel Fisheries Order Confirmation [39 & 40 *Vict. c. 91*]; Public Health (Scotland) Provisional Order (Wemyss) [39 & 40 *Vict. c. 94*]; Local Government Provisional Orders, Bristol, &c. (No. 6) [39 & 40 *Vict. c. 97*].

Their Lordships met;—And having gone through the Business on the Paper, without debate—

House adjourned at half past Five o'clock, till To-morrow, Eleven o'clock.

## HOUSE OF COMMONS,

Thursday, 13th July, 1876.

**MINUTES.]—NEW MEMBER SWORN—**Joseph Chamberlain, esquire, for the Borough of Birmingham

**PUBLIC BILLS—Ordered—**Prisons (Scotland); Exhausted Parish Lands \*; Metropolitan Board of Works (Money) \*.

*Second Reading—*Elementary Education Provisional Order Confirmation (Cardiff) \* [243].

*Select Committee—*Bow Street Police Court (Site) \* [191], *nominated*; Arklow Harbour Improvement \* [199], *nominated*; Ardglass Harbour \* [200], *nominated*.

*Committee—*Elementary Education [155]—*R.P.*

*Committee—Report—*Convict Prisons (Returns) \* [227]; Medical Act (Qualifications) \* [170].

*Considered as amended—*Sea and River Banks (Lincolnshire) \* [213]; Orphan and Deserted Children (Ireland) \* [32].

*Third Reading—*Trade Marks Registration Amendment \* [217]; Isle of Man (Officers) \* [215]; Turnpike Acts Continuance, &c. \* [209], and *passed*.

## INLAND REVENUE DEPARTMENT—

### EXTRA PAY.—QUESTION.

Mr. MACDONALD asked Mr. Chancellor of the Exchequer, If his attention has been called to a paragraph headed "Inland Revenue," in the "Civilian" newspaper of the date of the 26th of June 1876, where it is stated that two clerks were allowed to leave the Inland Revenue Office, one for eight months and the other for something less, to serve in the Board of Trade Department or with the Privy Council; whether it be correct, as it is there stated, that during the whole of the time they were with the Board of Trade or the Privy Council they were in receipt of twelve shillings per day, besides their ordinary pay in the Inland Revenue Department; and, if it be customary when an officer may be required in one Department from another, that he or they receive pay for both offices, as if he or they did the work of both?

THE CHANCELLOR OF THE EXCHEQUER: I have made inquiries into the case, and I believe that the transaction referred to took place about 10 years ago. In 1866 there was a great and sudden outbreak of cattle plague, and, the Veterinary Department of the Privy Council being under-manned, an application was made to the Chairman of the Board of Inland Revenue for some assistance. He lent the services of two gentlemen, one of whom, Mr. Wingrove, who has been dead, I believe, for four years, was employed for eight months. His services were very valuable, giving a great deal of time to the work, and often, I believe, working into the night; and at the expiration of the eight months he was rewarded with £240, which was considered a proper remuneration for the amount of work he had done, taking into consideration, of course, the fact that he was an officer in the public service. As to the other gentleman, who was said to have served for "something less" than eight months, he did, in fact, serve for a fortnight, and he received for such service £5.

Mr. MACDONALD said, the right hon. Gentleman had not answered the latter part of the Question, which he should therefore repeat to-morrow—whether when officers were transferred from one Department to another it was

usual to pay them as if they were doing the work of both?

INLAND REVENUE—ARMORIAL BEARINGS.—QUESTION.

MR. J. G. HUBBARD asked Mr. Chancellor of the Exchequer, Whether his attention has been directed to the report of a decision recently given in the Vice Chancellor's Court at Oxford, upon the complaint of an Inland Revenue officer, under which two undergraduates (not paying armorial duty) were fined £5 each for the offence of wearing rowing caps decorated with their college crest; and, whether, if the report prove true, such an administration of our fiscal law may not advantageously be restrained?

THE CHANCELLOR OF THE EXCHEQUER: I believe that a fine was inflicted upon two gentlemen under these circumstances, and this fine, originally £5, was reduced to 30s., the tax being 21s. There is a great deal of difficulty in determining what is and what is not properly chargeable as armorial bearings, and it is held that the fact of their being placed upon the cap does not make them less liable to duty than if they were upon a ring or elsewhere. These matters, however, have in a great measure to be dealt with on discretion, and I am not at all sure that the wearing of College arms in the cap was contemplated when the tax was imposed.

NAVY—ROYAL MARINE LIGHT INFANTRY.—QUESTION.

MR. SAMPSON LLOYD (for Mr. Gorst) asked the First Lord of the Admiralty, Whether a Circular has been addressed to about 700 qualified candidates for the Army Entrance Examination now in progress, inviting them to exchange their chance of success in that examination for a Commission in the Royal Marine Light Infantry; whether the inducements to volunteer for the Marines held out by this Circular are—an immediate appointment, exemption from any probationary course of study, and the postponement of the obligation to pass the Special Army Examination until promotion to the rank of Captain, a period of more than twenty years; how many of the Candidates for Commissions

in the Army have accepted this offer; and, whether the expedient has been prompted by the difficulty of obtaining Officers for the Royal Marines?

MR. HUNT: The hon. and learned Member for Chatham is quite mistaken so far as the first part of his Question is concerned, as no such Circular has been issued by the Admiralty. But they have notified that they offer a certain number of Marine Infantry commissions, in order of merit, to candidates who having been successful in the competition for the announced number of Army vacancies, prefer a commission in the Marines to one in the Line, or who, not having been so successful, are nevertheless, in the opinion of the Civil Service Commissioners, fully qualified for commissions in the Army. The inducement of an immediate appointment and exemption from any probationary course of study is equally held out to officers who are appointed to regiments in India and to West India regiments. Officers joining the Marine Infantry are, however afterwards required to go through what is termed "a garrison course" of study and instruction, and the usual examinations before promotion to the rank of captain. The number of candidates for commissions in the Army who have accepted the offer cannot be ascertained until after the examination is over. At the Army examination last January, when the same course was adapted, 18 candidates stated their preference for the Marines over the Line. Of these, four passed with a sufficient number of marks to have received an Army commission, but two, being over age for the Marines, were not appointed. Fifteen commissions were given altogether to candidates obtained in this way. The present arrangement has been adopted in place of the old system of nomination, as offering a wider and better field from which officers may be obtained, the abolition of Purchase in the Army having diminished the number of applicants for Marine commissions.

POST OFFICE—MAILS TO THE UNITED STATES.—QUESTION.

MR. BAXTER asked the Postmaster General, If arrangements have been made for conveying the Mails between this Country and North America; and, if he can state to the House what is the nature of them?

*Mr. Macdonald*



LORD JOHN MANNERS, in reply, said, no arrangements had yet been made for conveying the mails between this country and the United States after the present contracts had expired. It was not intended, as he thought the right hon. Gentleman knew, to enter into any new contracts, but to send the mails by the most efficient vessels sailing to New York. The existing contracts did not terminate until the end of the year—six months hence.

#### METROPOLIS—THAMES EMBANKMENT —HIGH TIDES.—QUESTION.

MR. LOCKE asked the honourable and gallant Member for Truro, If steps have been or are about to be taken by the Metropolitan Board of Works to prevent a recurrence of the serious losses occasioned to the inhabitants of the borough of Southwark by the periodical inundation of the River Thames?

SIR JAMES HOGG: In reply to the Question of the hon. Member, I beg to state that the Metropolitan Board of Works some months ago prepared a Bill to submit to Parliament, with a view, as far as practicable, to prevent inundations of the Thames. The Bill had to be much considered with regard to the general legislation of the country, as well as to the rights and obligations of owners of properties, and extremely opposite views were taken as to the mode of dealing with the question. These difficulties have caused such delay that it would be hopeless to attempt to proceed with any Bill in the present Session; but the Board will still continue to give attention to the subject, and I trust that some effectual means may be found of remedying the evils complained of.

#### INDIA—THE KIRWEE BOOTY.

##### QUESTION.

THE LORD MAYOR (Mr. Alderman COTTON) asked the Under Secretary of State for India, If he would explain to the House why the Return (recently presented to Parliament, No. 213,) of property owned by the Ex-Chiefs of Kirwee is limited in title and contents to the undisputed and admittedly captured property, instead of supplying a full inventory, in compliance with the express terms of the Order of the House

of Commons dated 24th July 1874, of the proceeds of all movable property of those Princes acquired by the local Government; why several items which are included in the earlier inventories of the Viceroy of India, consisting of debts, Nos. 181 and 182, due by the East India Company (Parliamentary Return, No. 298, of Session 1869, page 15), and payments by private debtors and proceeds of jewels (*ibid.* pages 48 and 49) are omitted in the account of the enemy's assets; when this Return, which was acknowledged by the Under Secretary of State for India to be incomplete, will be made complete so as to satisfy the whole requirements of the Parliamentary Order; and, whether there is any objection to produce Copies of all Correspondence subsequently to the 1st July 1875 to the present date on the subject of the Kirwee Booty, now on record at the India Office, and not included in any other Parliamentary Return?

LORD GEORGE HAMILTON: The Return alluded to gives all the information required by the Order of the House of the 24th of June, 1871, and if my right hon. Friend will read from pages 48 to 52 of the Return he will there find reasons stated why the items enumerated by him are not comprised by the terms of the present Return. I never stated this Return to be incomplete. In March, 1875, in reply to a Question, I said we had not then received information necessary to fulfil the Order of this Return. In May, 1876, the Return was laid upon the Table of the House; and, taken with other previous Returns, it gives the fullest and most complete information concerning the whole of the property owned by the ex-Chiefs of Kirwee. I have no objection to give any Correspondence not published between the Secretary of State and the prize agents.

#### PRISONS BILL — ROMAN CATHOLIC CHAPLAINS.—QUESTION.

MR. WHALLEY asked the Secretary of State for the Home Department, with reference to his statement to a deputation that, in the event of the Prisons Bill being passed, the appointment of Chaplains cannot be left to the visiting justices or the magistrates, Whether he has received any communication as to the conduct of Roman Catholic chap-

lains in Government or other prisons affecting the discipline thereof and subscription to the rules prescribed for and accepted by Presbyterian or Anglican chaplains; and, if so, whether he will lay the same upon the Table of the House?

**MR. ASSHETON CROSS:** I thought the best way to obtain information on the subject of the hon. Gentleman's Question would be to send a copy of it to Colonel Du Cane, Director of Convict Prisons, and his answer is that no such communication, to his knowledge, has been received with regard to metropolitan prisons. With respect to county and borough prisons, I thought the best way would be to send the hon. Member's Question to the able head of the Prisons department at the Home Office, and he says—

"A search through the register would be attended with so much difficulty and loss of time that it has not been attempted; but, to the best of my knowledge, no such communication relative to the conduct of Roman Catholic prison chaplains, as the hon. Member refers to, has been received at the Home Office."

#### POST OFFICE—HOUSE OF COMMONS.

##### QUESTION.

**SIR HENRY PEEK** asked the Postmaster General, Whether, in view of the fact that a large proportion of Members' correspondence is on the public service in connection with their constituencies, he will consider whether the penny extra payable on letters handed in between 7 and 7.30 p.m. to go from the House of Commons Post Office by the same night's mails might not be discontinued; and, whether he can inform the House how much the extra pence amount to per Session?

**LORD JOHN MANNERS:** The extra penny payable on letters between 7 and 7.30 P.M. is not intended for revenue purposes, but to secure the posting of letters in proper time for transmission by the mails. If there were no such extra charge the great bulk of the letters would be posted close upon half-past 7, and then it would be hardly possible to despatch the mails from St. Martin's-le-Grand in proper time. As to the last part of the Question, no account was taken of the number of extra-pence letters.

*Mr. Whalley*

#### EDUCATION—GOVERNMENT INSPECTORS AND SECONDARY SCHOOLS.

##### QUESTION.

**DR. CAMERON** asked the Vice President of the Council, Whether the Education Department permits Government Inspectors of Schools to undertake for fees the examination of secondary schools, public or private, unconnected with their districts?

**VISCOUNT SANDON:** The Department does not object to a Government Inspector of Schools undertaking for fees the examination of secondary schools, public or private, unconnected with his district, provided that such examinations are conducted by the Inspector in his private capacity, and do not interfere with or impede his official duties.

#### ARMY (INDIA)—ROMAN CATHOLIC CHAPLAINS.—QUESTION.

**MR. WHALLEY** asked the Under Secretary of State for India, with reference to increased pay of Roman Catholic Chaplains in the Indian Army, Whether it is not the fact that many of them are not English, and cannot even speak English; whether the Duke of Argyll has pointed out the broad distinction between the position of the Clergy of the Churches of England and Scotland and of the Priests of the Church of Rome in India, the former being bound to obey the orders of the Government, and the latter only the orders of their spiritual superiors; and, whether any provision has been made in conceding an increase in pay of £8,570 a-year for insuring discipline and loyalty on the part of Roman Catholic Chaplains?

**LORD GEORGE HAMILTON:** I cannot state with absolute certainty whether all the chaplains employed in the Indian Army are Englishmen or not. My impression is that a certain number of them are not, and that some of them speak English badly, or not at all. The quotation from the letter of the Duke of Argyll is correct. The increase to these chaplains' pay was made in consequence of their satisfactory conduct in the past, and the Indian Government have no reason for believing that they will behave differently in the future.

# LOCAL TAXATION—QUEENBOROUGH. QUESTION.

GENERAL SIR GEORGE BALFOUR asked the President of the Local Government Board, To explain the cause of the omission from the returns of local taxation of the accounts of Queenborough, and, now that the Queenborough Harbour Bill has passed, whether the arrear accounts will be called for; and, whether steps will be taken to enforce the rendering of the accounts in the future, and to subject the transactions relating to the rates, taxes, and expenses of Queenborough, including the additions under the new Harbour Bill, to a proper audit?

MR. SCLATER-BOTH: Queenborough is one of the old chartered corporations which did not come under the Municipal Reform Act. It was not required to keep annual accounts of local taxation. Under the Harbour Bill powers are given to levy certain dues and tolls, of which it will be necessary to render an annual account, as well as of the building fund. The Local Government Board has no power to call for statements of arrear accounts.

## NAVY—CAPTAIN SULLIVAN.

### QUESTION.

MR. ANDERSON asked the First Lord of the Admiralty, If he has made inquiry into the statement of Captain Sullivan that Mr. Penny was in private communication with a Lord of the Admiralty on the subject of the dispute with his Captain; if a communication on such a subject is not irregular sent otherwise than through his commanding officer, and if these letters were received previous to the decision being given; if it be true that Captain Sullivan's removal from his ship has entailed, in addition to other punishment, a loss of increased half-pay, as stated in "Broad Arrow" of 8th July; and, whether anything will now be done in deference to the large minority which supported the Motion of the honourable Member for Poole on Tuesday last? The hon. Member said he would not ask the right hon. Gentleman to commit himself on the last branch of the Question without consideration.

MR. HUNT: I have made inquiry, and find that two letters were addressed

to Admiral Hornby by Mr. Penny. I saw them to-day for the first time, in consequence of the Question of the hon. Gentleman. The first was dated February 11, 1875, about five months before the Court of Inquiry. It had reference to the troubles prevailing on board the *London*, and contained, only very much shorter, pretty much the same statements as those in the official letter from Mr. Penny. It would have been better if Mr. Penny had not written that letter under the circumstances. But private letters are constantly passing between officers on service and members of the Board of Admiralty, and it is very desirable that that should be so. Therefore, it is difficult to draw exactly the line where letters should be written and where they should not. The other letter was written subsequently to his receiving notice that he was to be superseded. Admiral Hornby tells me that if the hon. Member wishes to see the two letters he will be most happy to show them to him if he will call at the Admiralty. With regard to the third part of the Question, if Captain Sullivan had remained his full time in command of the *London* he would, at the expiration of that time, have been entitled to a higher half-pay than that to which he is now entitled.

## INDIAN MUSEUM IN LONDON.

### QUESTION.

MR. FAWCETT asked the Under Secretary of State for India, Whether the propriety of charging the revenues of India with either the whole or a part of the cost of erecting and maintaining a museum in London has been considered by the Secretary of State for India in Council; and, if any decision has been arrived at, whether there would be any objection to produce it, with the opinions (if any) recorded by Members of Council?

LORD GEORGE HAMILTON: The question of erecting or maintaining a Museum in London from the revenues of India has not been by itself considered. Two years ago the want of space at the India Office forced us to consider how we could best house the Library and Museum, and the action of the Indian Council upon the matter is recorded; and if the hon. Gentleman considers it worth publication, I have no

objection to give it, together with the opinions of Members of Council.

#### CHURCH BODIES (GIBRALTAR)—THE ORDINANCES.—QUESTION.

MR. DILLWYN asked the Under Secretary of State for the Colonies, Whether the Governor of Gibraltar has been instructed to withdraw the Ordinances for creating Anglican and Roman Catholic Church Bodies in that Colony, in accordance with the pledge given at the early part of the Session; and whether, if so, he will lay the Despatch giving him such instruction on the Table of the House?

MR. J. LOWTHER, in reply, said, it would not be possible to produce the Despatch to which reference was made, for this reason—that no such Despatch had been written. Personal communications, however, had taken place between the Secretary of State and Lord Napier of Magdala, and it was fully understood that the ordinance to which reference was made would not be persevered with.

#### ELEMENTARY EDUCATION BILL.

[BILL 155.]

(*Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Assheton Cross.*)

COMMITTEE. [*Progress 11th July.*]

Bill considered in Committee.

(In the Committee.)

Clause 6 (Existing local authorities to have like powers with school boards of enforcing by bye-law attendance of children).

MR. MUNDELLA moved, in page 2, line 21, to leave out "if it is a borough the council," and insert "the local authority."

LORD FRANCIS HERVEY pointed out that the words "local authority" were already used to describe the authority which should put the Act in force. He had an Amendment on the Paper by which it was proposed, in urban districts other than boroughs, to give the power to the urban authority.

MR. MUNDELLA said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

LORD FRANCIS HERVEY then moved, in page 2, line 21, after "coun-

*Lord George Hamilton*

cil," to insert "and if it is an urban district other than a borough, the urban authority."

VISCOUNT SANDON said, the Government had given much consideration to the question, which was not so simple as it seemed, except where the areas of civil parishes were conterminous with the areas of urban sanitary authorities; but if the matter were allowed to stand over until the Report, he would introduce a clause or an Amendment which would substantially carry out what appeared to be the general wish of the Committee.

Amendment, by leave, *withdrawn*.

MR. KNOWLES said, he would refrain from repeating the considerations he had already urged as to the necessity of getting children to school everywhere; but to carry out the view he had put Amendments on the Paper, the effect of which would be to make it obligatory upon, instead of optional with, the local authorities to enforce compulsion. He moved, in page 2, line 21, after "council," to leave out "may, if they think fit," and insert "shall." The hon. Member was particular to press on the Committee that, while his object was to make it imperative on Town Councils and Local Boards to enforce compulsion, Guardians would still require to be set in motion by requisition, as proposed by the clause.

Amendment proposed, in page 2, line 21, to leave out the words "may, if they think fit."—(*Mr. Knowles.*)

VISCOUNT SANDON remarked that this was a large change to propose, because it made it obligatory upon the Town Councils and Boards of Guardians to make compulsory bye-laws.

MR. KNOWLES: Only when they are requested to do so. The words "on the requisition of the parish" would remain in the clause.

MR. W. E. FORSTER hoped that the Committee would consider the exact wording of the clause with regard to Town Councils before they dealt with the parishes.

THE CHAIRMAN said, that the hon. Member for Wigan could not at present propose to insert the word "shall," and his Amendment, therefore, was to leave out the words "if they think fit."

MR. W. E. FORSTER observed that the Amendment raised three questions—first, whether it was obligatory on the Town Councils to have bye-laws; secondly, whether it was obligatory upon the Guardians to have bye-laws on the requisition of the parish; and, thirdly, whether it was obligatory on the Guardians to have bye-laws without the requisition of the parish, and therefore it was better to consider the Amendment on the separate grounds to which he had referred.

VISCOUNT SANDON said, it was the intention and wish of the Government to follow exactly the procedure and arrangements of the Act of 1870. If the Town Councils asked for compulsory bye-laws they might have them, but they were not obliged to have them. The Government wished to follow the same analogy with regard to parishes which could only have a school board by a popular vote. Thus, if either Town Councils or Boards of Guardians wished to have compulsory bye-laws, they might have them, but need not have them unless they so desired. It was the intention of the Government to adhere to that arrangement, and to leave it to the local authorities to decide whether they would or would not have compulsory bye-laws.

MR. A. BROWN hoped that the Amendment would be adopted.

MR. ONSLOW hoped that the Government would abide by the clause, because if the Amendment were adopted we should have universal school boards all over the country.

MR. HAMOND said, that while he had last Session moved the rejection of Mr. Dixon's Bill for compulsory school boards and compulsory attendance of children at school because he thought Parliament had no right to inflict on the ratepayers the establishment of school boards where there was no deficiency of school accommodation, yet he was quite willing to support a fair scheme by which the attendance of children at school should be secured in a greater ratio than had been secured under the Act of 1870. There was school accommodation for 3,146,000 children, whereas sufficient was required for 4,500,000. Again, the register contained the names of 2,744,000, with an average attendance of 1,837,000 children, which was very unsatisfactory. He was quite in favour of some power

being given to the local authorities where no school boards existed. By a previous clause it had been enacted that no children between the ages of 5 and 10 should go to work. What was to become of these children if their parents neglected to send them to school? He considered it most important that some compulsory powers should be given to the local authorities to insist on the children being educated, and therefore he had much pleasure in supporting the Amendment of the hon. Member for Wigan.

MR. FAWCETT thought it a significant circumstance that this Amendment should have been moved by an hon. Member on the Conservative side and supported by two Members of the same Party. The hon. Member for Guildford (Mr. Onslow) had endeavoured to obscure the question by introducing the bugbear of universal school boards; but the Amendment would have the effect of preventing such a system from coming into operation. The only argument of any weight which had been used against the Amendment was that it went further than the Education Act of 1870, which only established permissive compulsion; but the country had made progress on that question since 1870, and if they were not now to advance beyond the provision of that Act, why was the present Bill brought in at all? The Amendment under discussion was rendered all the more necessary by the Amendment which the Vice President of the Council had accepted the other day on the suggestion of the noble Lord (Lord Frederick Cavendish) relating to half-time. If stringent precautions were adopted against children between the ages of 5 and 10 being sent to work, it was most essential, in the interests of children, that equally effectual security should be taken for getting them between those same ages into the schools, otherwise they might be neither learning nor working, but only running about the streets. No man possessed more practical knowledge on the subject than the hon. Member for Wigan (Mr. Knowles), who came to that House fresh from his labours on the Factory Commission; and it was therefore to be hoped that hon. Gentlemen opposite would pay some deference to his opinion.

VISCOUNT SANDON said, he had always frankly acknowledged that there

was much to be urged by hon. Gentlemen opposite in favour of a system of universal bye-laws, but he had also said that neither he nor the Government could support them, but took a totally different view. This matter was fully argued out on the proposition of the hon. Member for Sheffield (Mr. Mundella), the question then before the House being whether the recommendations of the Factory Commissioners for the establishment of universal bye-laws should be carried out or not. The hon. Member for Wigan made an able speech on that occasion, and voted against the Government. [Mr. KNOWLES: I did not vote.] He was glad the hon. Member had shown his fidelity to his Party. ["Oh, oh!"] He thought there was nothing to be ashamed of. At all events the question was decided by a very large majority, and he objected to re-opening it. The hon. Member for Newcastle (Mr. Hamond) said that under this Bill children would be kept away from work till the age of 10, but it contained no provision which required their attendance at school. The hon. Member had overlooked Clause 7. If the local authority did their duty, and if the Education Department did their duty—which he hoped would not be disputed—no child of the age of 5 years or upwards could be habitually absent from an elementary school.

LORD FREDERICK CAVENDISH said, this Amendment was not exactly the same as that of the hon. Member for Sheffield (Mr. Mundella). He (Lord Frederick Cavendish) supported it on the ground that if universal bye-laws were not established great injustice and inequality would be the result in various parts of the country. Thus, where school boards existed and bye-laws were in force, an employer of labour could obtain the labour of children under the half-time system. In a neighbouring parish where there were no bye-laws, children could not be employed half-time. Was it just that such a difference should exist in two neighbouring parishes with reference to the labour of children?

MR. RITCHIE said, he had read the Reports of Her Majesty's Inspectors, and found that a large majority of them were agreed that direct compulsion was necessary. It would be a bad thing to have compulsion in one district and not in another. He thought that direct and

indirect compulsion might work well together. The noble Lord said that if he accepted the Amendment it would leave the law in a curious state; but would it not be easy to insert a clause assimilating the Town Council to the local authorities?

MR. MUNDELLA hoped the noble Lord would see his way to the acceptance of this Amendment, which differed from that proposed by himself. The Amendment which he moved was that the whole of the recommendation of the Commissioners should be adopted. If the employers of labour on the other side of the House did not support the Amendment, he believed the time would come when they would regret it. The Bill as it stood was permissive for education, prohibitory for employment, and by-and-by it would be found that, owing to the negligence of their parents, thousands of children who ought to begin work would not possess the necessary certificates, and the farmers and millowners who employed them would be fined for doing so. He maintained that this would fall harder upon the farmers than upon anybody else. Why should Parliament go the roundabout way of requiring the local authorities to put these principles into force? It was the constituencies legislating for Parliament, instead of Parliament legislating for the constituencies. The supporters of the Amendment had a large majority of the clergy with them in this matter; whilst one half of the noble Lord's own party were ready to vote against him.

MR. NEWDEGATE said, he was rather an "old-fashioned person," but he remembered when hon. Members opposite had a deep respect for parental authority, and when it was unusual for them to deprecate an appeal to the opinion of the constituencies. All this was changed. The hon. Member for Sheffield (Mr. Mundella) wanted the Committee to pass an absolute law to shield him from his constituents, lest he should be reproached for favouring an arbitrary law. He (Mr. Newdegate) rejoiced that the noble Lord proposed to leave the discretion in the hands of the local authorities. He himself was not in favour of forcing children into schools of which the parents disapproved.

SIR JOHN LUBBOCK regarded the Amendment as merely an embodiment

of the principles of the clause of which the noble Lord had given Notice. It was useless to pass the Bill at all unless some steps were taken to render it effective. If one district left its children uneducated, the whole country would be the sufferers.

MR. BIRLEY said, he did not think the Amendment was of any material importance, since by the subsequent clauses they provided for the compulsory education of children between 5 and 10. He would remind the Committee that the House, by a very large majority, had decided in favour of indirect as opposed to direct compulsion.

LORD ROBERT MONTAGU said, that the basis of the arguments adduced in support of the Amendment was that the whole country was unanimously in favour of direct compulsion. If that were so, the local authorities who might be taken to reflect the public opinion of their districts would have ample power under this Bill to enforce compulsion. All that the Bill said was that the local authorities should not be compelled to enforce compulsion in places where it was neither required nor desired. It was in accordance with the spirit of English law to leave much to local self-government, and he protested against this attempt to force the country to adopt one uniform cast-iron mould in the education of its children. The noble Viscount who had charge of the Bill had intimated that he would propose a clause that it was the duty of every parent to send his children to school, and undoubtedly it was; and if he failed to do so, there were pains and penalties to punish him: but he considered the duty should not be delegated to Town Councils to compel parents to do so. If the penalties failed to compel the parent to send his child to school, then the State should say—"We will take the child and send him to an industrial school." On the whole, he preferred the proposal of the noble Lord to the Amendment which had been moved, because the only logical conclusion that could follow upon the adoption of the Amendment was the sweeping away altogether of direct compulsion.

COLONEL RUGGLES-BRISE hoped that the noble Viscount would accede to the Amendment, and thought it unnecessary that any wish should be expressed by the ratepayers on the subject. With

regard to Poor Law Guardians, they were elected annually, and if they failed to do their duty, it was in the power of the ratepayers not to re-elect them.

MR. W. E. FORSTER observed, that he thought every hon. Member who had considered the question would take the same view as the hon. and gallant Member who had just spoken. He (Mr. Forster) believed it would be found by all who had had to deal with the practical work of education—no matter whatever might have been their abstract opinions as to compulsion up to the present time—that if the Bill was to pass, as the noble Lord desired it to pass, that it would turn out vastly more convenient and more to the comfort of the local authorities that this matter should be settled by Parliament—that Parliament should lay down the rule that there should be in every district bye-laws in regard to compulsory attendance. Those were matters deserving the consideration of the Committee. He did not know that local authorities would be the best to commit the power to. Undoubtedly it was true that there might be a feeling in the country in favour of bye-laws; but there were districts in the country where the inhabitants might not be in favour of bye-laws. As the Bill stood at that moment, no child above 10 years of age could work unless in some employment under the Factory Act. He thought too much might be exacted unless they had bye-laws, and that the Bill might operate very unfairly. He could not help thinking that if his noble Friend had, in framing the Bill, put himself in communication with those hon. Members on both sides of the House who had given much attention to the subject of education, he would have derived much advantage from their opinions. He considered it would be far better if the noble Lord had so framed the Bill that children would be eligible for employment. He wished it to be borne in mind that in 1870 the Government did not establish, and did not intend to establish, the principle of permissive compulsion. What they did was to establish experimental compulsion. They had tried the experiment, and it had answered. With regard to Scotland, they had not experimental but absolute compulsion. He found that before the Act was passed the average attendance at the schools was

40,000, and that the increased average attendance since the passing of the Act was 80,000. In some large towns throughout the country they had school boards, but in Preston they had not. With regard to the average attendance of children in the National Schools in Preston, it was under 5,000, while there appeared on the roll 14,000. Now that difference was because the Preston National Schools had no bye-laws. If the passing of these bye-laws depended upon some merely temporary feeling on the part of the Guardians or other local authorities, and the enforcement was left to capricious and fitful temper, the whole thing would become a sham, and it would be still more unfair to parishes in which school boards existed and were in earnest in doing the work they were appointed to do. The only way to avoid this would be to require the enactment of bye-laws everywhere: but the noble Lord might say that that was provided for by Clause 7, and need not be introduced into this clause. He thought the noble Lord would put too much strain on Clause 7. His (Mr. W. E. Forster's) objection to that provision was that it would lay down a hard-and-fast line as applicable to the entire country. He hoped that the Amendment would be accepted by the Government as the best substitute for that direct compulsion which was so needful.

VISCOUNT SANDON said, that the question before the Committee was whether the principle of universal compulsion should be adopted. While admitting that there was a great deal to be said on both sides, he could not but think that the adoption of universal bye-laws would be a mistake. The Government started from this position—they did not think that the principle of direct compulsion would be a good thing in itself. No doubt a great evil was to be met, but to say to every poor man that his children were, under all circumstances, to attend school every day would be a bad and undesirable thing. The presumption adopted was that if the prudent, thoughtful, industrious parent knew that the temptation of his children's earnings under 10 years of age was removed from him, they would recognize their duty, and the consequence would be an avoidance of the evil of putting the whole of the working classes of the country under the bonds of direct compulsion.

*Mr. W. E. Forster*

MR. KNOWLES said, before they divided he was anxious to explain the simple meaning of his Amendment. Wherever he had gone as a Commissioner he had found among all classes a feeling that, though direct compulsion might be undesirable, there must in some shape be compulsion, and the object of his Amendment was to compel Town Councils and Board of Guardians to adopt bye-laws when they were requested to do so by the ratepayers, whom they represented.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 206; Noes 165: Majority 41.

MR. W. E. FORSTER moved the omission of the words "on the requisition of the parish," as he considered that the Guardians ought to be allowed to make compulsory bye-laws, if they should think fit, in the same manner as the Town Councils would be entitled to do.

MR. A. MILLS thought that each district should be left to exercise its own freedom in framing compulsory bye-laws. If hon. Members knew how difficult it was to carry out compulsory rules they would not be so eager to enforce them. He should oppose the Amendment.

MR. MUNDELLA said, that if these words were not omitted the local authorities would be prevented from framing bye-laws.

*Amendment negatived.*

MR. MUNDELLA moved, in page 2, line 23, to leave out "but not otherwise," which would allow the Guardians to frame bye-laws without first receiving a requisition from the inhabitants of the district.

Amendment proposed, in page 2 line 23, to leave out the words "but not otherwise."—(*Mr. Mundella.*)

MR. W. E. FORSTER said, that the Guardians should be allowed to make bye-laws without receiving a requisition.

VISCOUNT SANDON said, the Government must adhere to the words, as they desired that the community, or people of any school district, should have the power of saying whether there should be compulsion or not.



LORD FREDERICK CAVENDISH supported a system of compulsory bye-laws as best calculated to carry out the objects of the Bill.

MR. J. G. TALBOT could not understand why, when a parish was doing its duty, it should not be let alone.

SIR THOMAS ACLAND contended that the majority of the Boards of Guardians should be able to decide whether there should be compulsion or not in all the parishes which they represented, or in some parishes there would be compulsion and in some not.

MR. HAMOND was sorry that the noble Lord had refused to leave out these words, as by so doing he would be following the lines of the Act of 1870.

LORD ROBERT MONTAGU said, that Town Councils were elected by the inhabitants of the towns while the Guardians were elected by the ratepayers of parishes spread over a large area.

MR. GREGORY pointed out that the inhabitants of a school district ought to have the power of saying whether there should be compulsion or not.

MR. EVANS remarked that Town Councils were elected by wards, which was similar to Guardians being elected by parishes.

MR. LYON PLAYFAIR said, the Bill contained compulsory clauses, and he should therefore support the Amendment.

MR. MUNDELLA pointed out that the more compulsory bye-laws were needed the less likelihood was there of a requisition for them being forthcoming from the parish. This would especially be the case in some of the "God-forsaken" parishes in the agricultural and mining districts.

MR. HAYTER said, he could not understand why the elected authorities should have to refer back to the electors one of the most important questions on which it was their duty to decide.

VISCOUNT SANDON repeated that his opposition to the Amendment was because it was based upon the principle of direct compulsion, which in this particular case he did not consider necessary.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 125; Noes 86: Majority 39.

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MR. SANDFORD moved, in page 2, line 26, at end of clause, to add—

"Provided that any bye-law made under this section shall not apply to any child whose parent has delivered to the clerk of the local authority an objection in writing signed by such parent, and objecting to the compulsory attendance at school of such child."

According to the Bill, as it stood, the children of Nonconformists and Roman Catholics would be compelled to attend the schools. He should be told that there was the Conscience Clause, under which there was to be no direct religious teaching; but could they not raise religious questions by historical and other subjects? How would a member of the Church of England like his child to be for eight years under the tuition of a Nonconformist teacher? And how, then, could they expect a Nonconformist or a Roman Catholic to submit his child to a system of religious instruction, with which he totally disagreed? He believed that if the Bill passed in its present form it would raise a storm of religious fervour, which would agitate the whole country from one end to another, and it was for that reason he offered his Amendment in a spirit of conciliation.

VISCOUNT SANDON said, he had no doubt the hon. Gentleman was perfectly consistent in proposing his Amendment, but he must oppose it, because, if adopted, it would entirely neutralize the operations of the bye-laws; for they would have parents—careless and neglectful parents—starting up in all directions to take advantage of the proposed exemption.

SIR HENRY HAVELOCK supported the Amendment, and said, he hoped it would be pressed.

*Amendment negatived.*

SIR HENRY HAVELOCK said, that under the Bill, the Nonconformist agricultural labourer would have no alternative but to send his children to a Church school, and there would be no end of religious strife. To meet that objection he moved, in page 2, after line 26, to add—

"Provided, That no bye-law made under this section shall compel any child to attend at any school with regard to which an objection, on grounds of conscience, made in writing and signed by the parent of such child, has been lodged with the clerk of the local authorities."

Elementary Education Act, 1870,' shall compel any child to attend at any school, whether board school or otherwise, with regard to which an objection, on grounds of conscience, made in writing and signed by the parent of such child, has been lodged with the secretary of the School Board or the clerk of the local authorities,'—(*Sir Henry Havelock*,.)—be added at the end of the Clause."

The Committee *divided*:—Ayes 25; Noes 128: Majority 103.

Clause *agreed to*.

Clause 7 (Provision as to order of court for attendance at school of child continuously and habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons).

VISCOUNT SANDON moved, in page 2, line 30, to leave out "continuously and," which had reference to the neglect of the parent. He retained the word "habitually," which immediately followed, because it was deemed very important to make the clause strong in its application to the parent who habitually neglected to provide elementary instruction for a child above the age of five years, who under the Act would be prohibited from being taken into employment—such instruction as would enable the child to obtain a certificate.

Amendment *agreed to*.

MR. A. BROWN moved the omission of the word "habitually," to which the noble Lord the Vice President had just referred; because if it were retained it would open the door to greater latitude than ought to be allowed.

LORD EDMOND FITZMAURICE considered that the clause as it now stood would only give the magistrate the power to convict in cases where there ought to be a conviction, and on that ground he should vote against the Amendment.

SIR JOHN LUBBOCK considered the clause might be so modified as not to be objectionable, and yet sufficiently stringent.

VISCOUNT SANDON affirmed that the Government attached the greatest possible importance to the retention of the words, and refused to again take up the time of the Committee in arguing the question at length.

MR. W. E. FORSTER thought the retention of "habitually" would cause very great difficulty to the magistrates in carrying the clause into effect.

VISCOUNT SANDON said, that in all these cases considerable licence must be allowed to the magistrates, and cited as an analogous case the use of the word "grossly" in the Scotch Education Act.

MR. W. E. FORSTER pointed out that in the Scotch Act the meaning of the word "grossly" was clearly defined. He asked the noble Lord fairly to consider the point which had been raised before a future stage of the Bill.

VISCOUNT SANDON said, he could not hold out any hope that the Government would re-consider the question of retaining this word.

LORD EDMOND FITZMAURICE was in favour of leaving the word in the clause, as otherwise an offence would be created where no real offence had been committed.

SIR JOHN LUBBOCK was of opinion that the word ought to be struck out.

MR. GORST observed, that the word "habitually" was not now in Acts of Parliament. What amount of neglect constituted habitual neglect would require to be decided by the magistrate.

LORD FRANCIS HERVEY supported the Amendment, on the ground that children should be sent to school before the neglect became habitual.

MR. W. E. FORSTER hoped that his hon. Friend would not divide the Committee on the Amendment.

Amendment *negatived*.

MR. BIRLEY (for Mr. HARDCASTLE) moved, in sub-section 2, page 2, line 37, after "authority," to leave out—

"After due warning to the parents of such child to complain to a court of summary jurisdiction, and such court may."

VISCOUNT SANDON objected to the Amendment, on the ground that the matter might be left to the discretion of the magistrate.

Amendment, by leave, *withdrawn*.

MR. BRISTOWE moved, in page 2, line 39, to leave out "may, if it think fit," and insert, "shall, if satisfied of the truth of such complaint." The Amendment would, in his opinion, be a very important one, and would operate satisfactorily at petty sessions.

VISCOUNT SANDON thought the Amendment unobjectionable, and agreed to it.

Amendment *agreed to*.

MR. BRISTOWE moved, in page 2, line 40, to leave out "in such regular manner as is specified in the order." He explained that many difficulties might arise as the clause appeared in the Bill, as the Court of Summary Jurisdiction would have power to direct in what method the child should attend school.

VISCOUNT SANDON agreed that the Amendment would be an improvement to the clause.

*Amendment agreed to.*

MR. W. E. FORSTER moved, in page 3, line 2, after "expedient," to add—

"Such order shall contain the provision in the Elementary Education Act, section seven, sub-section one, that the child is not required to attend any religious observance or any instruction in religious subjects, or to attend school on any day exclusively set apart for religious observances by the religious body to which his parent belongs."

MR. J. G. HUBBARD hoped the Amendment would not be pressed; it would add a new difficulty to those already existing.

MR. GORST said, the Amendment was quite unnecessary. The whole question was covered by the Conscience Clause.

SIR HENRY HAVELOCK said, the Amendment was not required for the protection of Nonconformist children, but of those neglected children of the Church of England whom it was proposed to catch by the drag-net of this Bill.

VISCOUNT SANDON said, in dealing with these, who were admittedly the lowest and the most degraded of the population, they must be very careful that they did not do anything to put the State apparently in hostility to religious education. It was an Amendment the Government could never accept. They had undertaken that any infringement of the Conscience Clause should be looked after by the local authority; but they could not do this, which really would look to these poor people as if the State was in antagonism to religious education. He thought that hon. Members opposite, who must be in favour of religious education of some kind, would hardly support the Amendment.

MR. W. E. FO  
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sible, to let people know exactly what they ought to do.

MR. W. H. SMITH reminded the right hon. Gentleman that this was a case in which they were dealing with children, with reference to whom opportunities of education were habitually neglected.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 116; Noes 189: Majority 73.

MR. J. COWEN moved, in page 3, after line 3, to insert—

"Provided, That no member of the local authority shall sit in the court of summary jurisdiction at the hearing of such complaint."

He said that he thought it would be very improper that a member of the body which had control over school matters should sit as a justice to hear a complaint under the Education Act.

VISCOUNT SANDON said, that the Law Officers informed him that the rule at Common Law was that this should not be done, therefore no enactment upon the subject was wanted.

*Amendment, by leave, withdrawn.*

LORD FREDERICK CAVENDISH, in reference to the exemptions in the clause, asked what was to be done with the children living on canal boats between the ages of 3 and 14, and he suggested that the reason that there was not within two miles, &c., from the residence of such child any public elementary school open which the child could attend, should not apply to children living on canal objects. His object in mentioning it was to direct the attention of the noble Lord to their condition.

VISCOUNT SANDON said, he would consider the suggestion, and see if anything could be done on the Report.

MR. WAIT moved, in page 3, line 9, to leave out from "necessary," to end of Clause, and insert "or a necessity that shall appear to the court absolutely unavoidable." If the clause were left unaltered, parents would have additional opportunities of evading the obligation of sending their children to school.

MR. W. E. FORSTER thought that "necessary domestic employment" ought not to be accepted as an excuse for the attendance of a child at school, and

he trusted, therefore, that those words would be struck out of the clause.

MR. BRISTOWE said, it would be very inconvenient to allow excuses different from those contained in the Act of 1870.

MR. RODWELL was in favour of maintaining the clause as it stood, because everybody acquainted with cottage life must know that there were many cases where children were engaged in "necessary domestic employment," although they would not come within the scope of the Amendment of the hon. Member for Gloucester.

MR. MACDONALD hoped the noble Lord would consent to the Amendment.

MR. MARK STEWART objected to the insertion of the words, as they would encourage parents to invent all kinds of excuses to evade the child's attendance at school.

Amendment, by leave, *withdrawn*.

MR. HEYGATE moved, in page 3, line 9, to leave out from "necessary domestic" to end, and insert—"or any other cause which in the opinion of the local authority is sufficient."

MR. BULWER considered that great care should be exercised in the wording of the clause.

VISCOUNT SANDON thought there was no doubt that it would be running a risk if the words "necessary domestic employment" were retained in the clause. He thought it would be better to cut out those words. If the Amendment were withdrawn, he should be glad if the hon. and learned Member for Ipswich (Mr. Bulwer) would confer with him on the amended wording of the clause.

MR. W. E. FORSTER hoped the hon. Member (Mr. Heygate) would not persist in his Amendment.

Amendment, by leave, *withdrawn*.

MR. W. E. FORSTER expressed his thanks to the Government for the change they had made in this clause, and hoped it would be a great step in the progress of education.

On Question, "That the clause, as amended, stand part of the Bill?"

MR. CLARE READ asked the noble Lord the Vice President of the Council, whether it was the fact that if a justice

was a member of the School Attendance Committee, he could not be a member of the Court before which the child was brought? If that were so, it would be very detrimental in the country, because it would almost invariably happen that the best and most frequent attendants at the Bench were those justices who would be members of the School Attendance Committee.

VISCOUNT SANDON would like further to consult the legal Advisers of the Government on that point; but he understood that the Common Law was what the hon. Member had described it to be.

Clause *agreed to*.

VISCOUNT SANDON proposed to postpone Clauses 8, 9, and 10, in accordance with a statement which he had made a few days ago. The clause as to industrial schools he hoped would be in the hands of Members to-morrow, and he thought it was highly desirable to consider that clause in connection with these three clauses.

Clauses 8, 9, and 10 *postponed*.

Clause 11 (Exception to prohibition of employment of children).

MR. CLARE READ moved, in page 4, line 32, to leave out sub-section 3, and insert—

"The local authority may, if it thinks fit, issue a notice declaring the restrictions of this Act on the employment of children to be suspended, for the necessary operations of husbandry and the in-gathering of crops, for the period to be named in such notice, and during such period such restrictions shall not (save as to any proceedings commenced before the date of the notice) be of any force within the jurisdiction of such local authority; Provided, That the period or periods so named by any such local authority shall not exceed in the whole eight weeks between the first day of January and the thirty-first day of December in any year.

"The local authority shall cause a copy of every notice so issued to be sent to the overseer of every parish within its jurisdiction, and the overseers shall affix the same to the door of the principal church in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit."

VISCOUNT SANDON thought the period of eight weeks too long; but the Government would assent to the Amendment if his hon. Friend would alter the maximum period to six weeks. Upon the Report he would try to introduce words which would enable Boards of Guardians to make this period elastic.

adapting it to the time of hop-picking, or harvest in their various districts.

MR. W. E. FORSTER put it to the noble Lord whether children under 10 might be employed in hop-picking.

VISCOUNT SANDON intended that the clause should set free all children for six weeks in the year.

MR. W. E. FORSTER: Children under 10 as well?

VISCOUNT SANDON: Oh, certainly. There would be no danger in that.

MR. MUNDELLA wished to point out that in every other industry in the country except agriculture no child was to be employed under 10, and then he must be a half-timer until he was 13. Even then, if he did not come up to a certain Standard he must be half-timer until he was 14.

VISCOUNT SANDON said, that the difference between town and country was that in the latter six weeks were to be allowed for industrial operations. When the House remembered that the farmers had to deal with harvest, the uncertainty of the weather, and perishable crops, some allowance must be made or farming operations would come to an end. He proposed to make an alteration in the Amendment so as to substitute six weeks for eight, and otherwise to make it fit in with the rest of the Bill.

MR. BERESFORD HOPE, in accepting the noble Lord's suggestion, said, it was very desirable that the children should assist their parents in hop-picking. Generally speaking, it was better to localize employment so as to keep it in the hands of the respectable peasantry, or else the farmers would be obliged to rely upon a very different class from St. Giles's.

MR. MORLEY said, that managers of schools in the hop districts thought it quite necessary to limit the time children were employed in hop-picking.

MR. GREGORY said, that Colleges were closed and homes abandoned for the period.

MR. MUNDELLA suggested that the time of absence should not exceed eight weeks including holidays.

VISCOUNT SANDON could not accept the suggestion, but must abide by the Amendment in its present form.

MR. PEASE moved to report Progress, suggesting that the Government should take time to re-consider the clause.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Pease.)

VISCOUNT SANDON said, he hoped the hon. Member would not press the Motion. The Committee had now discussed the question very fully, and, though there might be hon. Members who wished to speak, he thought a conclusion might be arrived at in a few minutes without re-opening the question to-morrow.

MR. W. E. FORSTER thought that if Progress were reported the end which the Government had in view would ultimately be more easily gained.

THE CHANCELLOR OF THE EXCHEQUER was of opinion that the Amendment had been sufficiently debated, and he trusted the clause would be agreed to before Progress was reported, else it would be extremely inconvenient.

MR. CLARE READ said, in the harvest holidays the children were of very little use, for the farmers did not want them then, and the Amendment would only give the farmers the opportunity of employing the children about two weeks in the year.

MR. HAMOND said, they were debating this clause as if the object of the Bill were to provide labour for the farmers at the cheapest rate, and not to carry education to the rural districts.

Question put.

The Committee divided:—Ayes 67; Noes 224; Majority 157.

MR. A. BROWN moved that the Chairman do leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(Mr. Alexander Brown.)

THE CHANCELLOR OF THE EXCHEQUER said, the Motion, if carried, would put an end to the Bill. He thought the question under consideration had been brought to a point which would admit of a decision.

MR. W. E. FORSTER believed the clause might be disposed of so easily. The Gentleman supposed, nevertheless, he hoped he pressed.

Question put.

The Committee *divided*.—Ayes 46; Noes 219: Majority 173.

MR. RYLANDS moved that Progress be reported.

Motion agreed to.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

# PRISONS (SCOTLAND) BILL.

## LEAVE. FIRST READING.

THE LORD ADVOCATE, in moving for leave to bring in a Bill for amending the Law relating to Prisons in Scotland, said: The prisons in Scotland are at present administered under the Prisons (Scotland) Administration Act, 1860 (23 & 24 *Vict.* c. 105.) They are divided into two classes, the first consisting of the general prison at Perth, and the second of the local prisons throughout the country. The general prison at Perth is administered by the prison managers for Scotland, four in number—namely, the Sheriff of Perthshire, the Crown Agent for Scotland, the Inspector of Prisons for Scotland, appointed under 5 & 6 *Will.* IV. c. 38, and the manager and secretary. The prison is administered under rules made by the Secretary of State, in terms of the Act of 1860. The Act itself also contains few detailed provisions on the subject. The Perth prison consists of a prison proper, or penal department, and an establishment for the criminal lunatics of Scotland, or lunatic department. The penal department is constituted for the reception of (1) prisoners sentenced to nine months' imprisonment and upwards, and (2) convicts under sentence of transportation or of penal servitude. Male convicts under sentence of penal servitude are at present detained in this prison only for the period of probation—nine months—unless on the occasion of an unexpected pressure upon the accommodation available in the convict prisons in England. The buildings of the general prison were originally erected in the beginning of the present century as a *dépôt* for French prisoners. Large additions have been made to them from time to time, and a hospital is in course of erection. The number of cells is 743 in the penal department, and 58

in the lunatic department; but as that does not afford sufficient accommodation for all the prisoners appropriate for the general prison, the managers have contracted with the County Board of Ayrshire for the maintenance in the prison of Ayr of a certain number of female convicts during their period of probation—namely, 12 months—and with the County Board of Renfrewshire for the maintenance in the prison of Paisley of a certain number of male convicts during their period of probation. The net annual cost per prisoner in 1875, after the deduction of the profits of prisoners' labour was £20 11s. 5d.; the average cost for the five years 1871-5 was £20 12s. In 1874 the prisoners' net earnings amounted to £3 6s., and in 1875 to £5 12s. 2d. per head, the variation in other years being equally great; but the average of the five years 1871-5 was £3 13s. 1d. Then as to the local prisons, they are administered by the County Boards elected annually in certain proportions set forth in the schedule to the Act of 1860 by the Commissioners of Supply of each county, and the magistrates of the larger towns within it. The County Boards are bound to provide sufficient accommodation for the prisoners within the district, and if they fail to do so the obligation may be enforced in a Court of Law. They are also bound to appoint and pay the necessary staff of prison officers, and to provide for the maintenance and removal of the prisoners under their jurisdiction. The prison officers hold their appointments at the pleasure of the Board, but the Secretary of State has also the power of dismissing any of them. The Secretary of State may order the discontinuance of any local prison, or may limit its use to certain classes of prisoners, the others being provided for elsewhere by the Board. No new prisons can be opened without his consent. The details of prison management are regulated by rules made by the Secretary of State in pursuance of the Act of 1860. These rules are binding on the County Boards, and their observance is the condition on which the grant of the Government is made towards the cost of maintenance of convicted prisoners. Certain latitude has hitherto been allowed in enforcing new rules, and at present several of the rules have been suspended by the County Boards subject to the deter-

mination of the Secretary of State. Pending early legislation, the Secretary of State has delayed disposing of the suspensions; but if legislation is postponed, they must be disposed of. The prison assessments, amounting in 1875 to £46,000, and on the average of the five years ending 1875 to £41,000, are divided between the counties and the burghs in proportion to their respective rentals, and are paid in counties wholly by the owners, and in the burghs one-half by owners and one-half by occupiers. The number of local prisons in Scotland has been gradually reduced since 1840, when, including all places of detention, it exceeded 200, and it now stands at 56, in addition to seven places at which police cells have been legalized by the Secretary of State as places in which convicted prisoners may be detained for periods not exceeding three days. In 1874 there were five prisons, of which the average daily population was less than one. Of these, one has since been closed. There were eight with an average population of one. Of these, three have since been closed. There were 36 prisons in all whose population did not exceed 10; there were 16 between 10 and 50; two between 50 and 100; and three between 100 and 200. Above 200 there were two—namely, Glasgow with 739, and Edinburgh with 323. The waste of money involved is very great, and opportunities for using prison discipline and employing the prisoners in remunerative labour proportionately small. It is probable that an entire re-arrangement of the Scotch local prisons will be necessary, and the whole prison population of Scotland, which for the five years ending 1875 was on the average only 2,902—that is to say, 2,035 in the local prisons, 752 in the general prison at Perth, and 115 convicts in Ayr and Paisley—may be advantageously accommodated in a greatly reduced number of prisons placed at convenient points over the country. These prisons, it is obvious, will be much smaller than those contemplated for England; but the scattered nature of the population in Scotland renders this unavoidable. To obviate, as far as practicable, the inconvenience which will result from the reduction of the number of prisons, it is proposed to extend the operation of the provisions now in force for legalizing police cells at places of detention by legalizing them

for prisoners before trial and even for short periods after sentence, extending perhaps up to 10 or 14 days. These police cells would continue under the charge of the local police authorities; but the cost of maintaining and removing the prisoners would be repaid by the Government. The net annual cost of a prisoner in a local prison after deduction of the profit of prisoners' labour was in 1875, £20 18s. 6d., and the average for the five years ending 1875 was £21 15s. In 1875, the prisoner's net earnings amounted to £1 16s. 11d. in the local prisons, as against £5 12s. 6d. in the general prison. The average of these earnings for the five years ending 1875 was £1 13s. 10d. in the local prisons, against £4 13s. 1d. in the general prison. The Bill which it is now proposed to introduce is on the same general lines in most respects as the English Bill; but it differs from it in this respect—that it proposes to put the general prison at Perth, and the transferred local prisons, under the management of the same persons, subject, of course, to the Secretary of State. For this purpose it proposes to re-constitute the present prison managers in the manner set forth in the Bill. The management of the existing managers has been very satisfactory, and I gladly take the opportunity of specially referring to the able services of Dr. Hill Burton, the stipendiary manager. The Bill contains ample provisions for the transference of the local prisons, for their subsequent maintenance by the Government, for the continuance of the present prison officials, and the adjustment between the Government on the one hand, and the counties and burghs now represented on the Local Prison Boards on the other, of all questions as to obligations and assets of the local prisons. As by far the greater number of the clauses in the Act of 1860 and the various amending Acts are repealed by this measure, it has been thought the better course to repeal those Acts altogether, and to re-enact in the present Bill such of their clauses as it is desirable to keep in force. This renders the Scotch Bill somewhat longer than the English Bill. But it will be productive of very great convenience to  
 with prison management  
 in Scotland. I beg to  
 introduce the Bill.

Bill for amending the Law relating to Prisons in Scotland, *ordered to be brought in by The LORD ADVOCATE and Mr. Secretary CROSS.*

**BOW STREET POLICE COURT (SITE) BILL.**  
[EXPENSES OF COMMISSIONERS.]

Order for Committee read.

Motion made and Question put, "That Mr. Speaker do now leave the Chair."

The House divided:—Ayes 125; Noes 30: Majority 95.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Matter considered in Committee.

(In the Committee.)

*Resolved*, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of all Expenses incurred by the Commissioners of Works under the provisions of any Act of the present Session relating to the acquisition of a Site in Bow Street for the erection of a new Police Court and Police Station and Offices.

Resolution to be reported *To-morrow*, at Two of the clock.

Motion made, and Question proposed, "That the Select Committee on the Bow Street Police Court (Site) Bill do consist of Five Members, Three to be nominated by the House, and Two to be nominated by the Committee of Selection."

Debate arising.

Motion made, and Question put, "That the Debate be now adjourned."—(*Captain Nolan.*)

The House divided:—Ayes 8; Noes 92: Majority 84.

Original Question put.

*Ordered*, That the Select Committee on the Bow Street Police Court (Site) Bill do consist of Five Members, Three to be nominated by the House, and Two to be nominated by the Committee of Selection.

Colonel BLACKBURN, Mr. SPENCER STANHOPE, and Mr. RICHARD SMYTH accordingly nominated Members of the Committee.

*Ordered*, That all Petitions presented against the Bill be referred to the Committee on the Bill, provided such Petitions are presented one clear day before the Meeting of the Committee; and that such of the Petitioners as pray to be heard by themselves, their Counsel, or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions:—That the Committee have power to send for persons, papers, and records; That Three be the quorum.—(*Mr. William Henry Smith.*)

**ARKLOW HARBOUR IMPROVEMENT BILL.**  
[EXPENSES OF WORKS.]

Considered in Committee.

(In the Committee.)

*Resolved*, That it is expedient to authorize the Commissioners of Public Works in Ireland to make Advances by way of Grant, to an amount not exceeding in the whole the sum of thirteen

thousand pounds, for the completion of any Works which may be authorized by any Act of the present Session relating to the Improvement of the Harbour of Arklow, in the county of Wicklow.

Resolution to be reported *To-morrow*, at Two of the clock.

*Ordered*, "That the Select Committee on the Arklow Harbour Improvement Bill do consist of Five Members, Three to be nominated by the House, and Two to be nominated by the Committee of Selection.

Mr. BASIL WOODD, Mr. ASSHETON, and Mr. O'SHAUGHNESSY accordingly; nominated Members of the Committee."

*Ordered*, That the Ardglass Harbour Bill and the Erne Lough and River Bill be referred to the Committee.

**ARDGLASS HARBOUR [EXPENSES OF WORKS.]**

Considered in Committee.

(In the Committee.)

*Resolved*, That it is expedient to authorise the Commissioners of Public Works in Ireland to make Advances by way of Grant, to an amount not exceeding in the whole the sum of fifteen thousand pounds, for executing any Works which may be authorised by any Act of the present Session relating to the Improvement of the Harbour of Ardglass, in the county of Down.

Resolution to be reported *To-morrow*, at Two of the clock.

**ERNE LOUGH AND RIVER [EXPENSES OF WORKS.]**

Considered in Committee.

(In the Committee.)

*Resolved*, That it is expedient to authorise the Commissioners of Public Works in Ireland to make Advances by way of Grant, to an amount not exceeding in the whole the sum of fifteen thousand pounds, for executing any Works which may be authorised by any Act of the present Session relating to the improvement of the Navigation of the Lough and River Erne.

Resolution to be reported *To-morrow*, at Two of the clock.

**EXHAUSTED PARISH LANDS BILL.**

On Motion of Mr. SCLATER-BOOTH, Bill to make provision for the disposal of certain Lands appropriated for the supply of materials for the repair of public and private Roads, *ordered to be brought in by Mr. SCLATER-BOOTH and Mr. SALT.*

**METROPOLITAN BOARD OF WORKS (MONEY) BILL.**

On Motion of Mr. WILLIAM HENRY SMITH, Bill for further amending the Acts relating to the raising of money by the Metropolitan Board of Works; and for other purposes, *ordered to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.*



## ADJOURNMENT.

Motion made, and Question put,  
 "That this House do now adjourn."—  
 (*Sir Michael Hicks-Beach.*)

The House divided:—Ayes 68; Noes  
 11: Majority 57.

House adjourned at a quarter  
 before Three o'clock.

## HOUSE OF LORDS,

Friday, 14th July, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—  
 Isle of Man (Officers) \* (174); Turnpike Acts  
 Continuance \* (175).

*Second Reading*—Elver Fishing \* (164); Public  
 Works Loans \* (167).

*Committee*—Commons (137-176.)

*Committee—Report*—Settled Estates Act (1856)  
 Amendment \* (151); Customs Duties Con-  
 solidation \* (162); Customs Laws Consolida-  
 tion \* (163).

*Report*—Merchant Shipping (160-177); Local  
 Government Board's Provisional Orders Con-  
 firmation (Chelmsford, &c.) \* (161)—(Artizans  
 and Labourers Dwellings) \* (127).

*Third Reading*—County of Peebles Justiciary  
 District (Scotland) \* (158), and passed.

## COMMONS BILL—(No. 139.)

(*The Lord President.*)

## COMMITTEE.

House in Committee (according to  
 Order.)

PART I.—LAW AS TO THE REGULATION  
AND INCLOSURE OF COMMONS.*Applications in relation to commons.*

Clauses 1 to 7, inclusive, agreed to.

*Suburban Commons.*

Clause 8 (Sanitary authorities to be  
 represented in the case of commons in  
 the neighbourhood of towns.)

THE DUKE OF NORTHUMBER-  
 LAND, after explaining that the last  
 section of the clause stated that

"The population of any town for the purposes  
 of this Act shall be reckoned upon the last  
 published census for the time being, and dis-  
 tances shall be measured in a direct line from  
 the outer boundary of the town to the nearest  
 point of the suburban common,"

moved an Amendment to substitute  
 "four" miles for "six" as the limit of

distance, and to leave out ("outer bound-  
 ary of the town") and insert—

("Town hall, or if there shall be no town hall,  
 then from the cathedral or church if there shall  
 be only one church, or if there be more churches  
 than one, then from the principal market place  
 of such town.")

THE DUKE OF RICHMOND AND  
 GORDON said, he understood the ob-  
 ject of the noble Duke in proposing  
 the Amendment was that there should  
 be some definite point laid down in the  
 Bill from which the measurement should  
 be taken, so as to remove uncertainty.  
 He agreed that that was desirable; but  
 he was not altogether satisfied with the  
 words suggested by the noble Duke,  
 which might possibly be improved. If  
 the noble Duke would now withdraw  
 the Amendment he would consider the  
 matter before the Report.

THE EARL OF KIMBERLEY re-  
 marked that the Metropolitan Commons  
 Act was much more stringent than that  
 clause, because it did not allow any  
 common within 15 miles from the centre  
 of London to be inclosed. He did not  
 know why other towns were to be  
 treated on a different principle. The  
 Bill had been announced as a compro-  
 mise on this question; but if the advan-  
 tages conferred by the Bill were to be  
 taken away little by little, the Govern-  
 ment might be able to carry their mea-  
 sure, but it would not be accepted as a  
 compromise, and the whole question  
 would be re-opened.

THE DUKE OF SOMERSET observed  
 that the case of the Metropolis in re-  
 spect of commons was altogether ex-  
 ceptional.

THE LORD CHANCELLOR pointed  
 out that the one question before the  
 Committee was whether they should  
 have a constantly shifting boundary or  
 one fixed central point in a town from  
 which to measure the six miles.

EARL FORTESCUE said, that if the  
 boundary of the borough was to be  
 deemed the boundary of the town, it  
 was only reasonable that there should  
 be some better definition of the bound-  
 ary than that given in the Bill.  
 Some municipal boroughs had their  
 boundaries quite in the country. For  
 instance, a small river in his deer park  
 was the boundary of a small borough  
 several miles distant. He would himself  
 be quite satisfied by the Act, but he  
 thought there should be some better

definition of what was to be deemed the "boundary" of a town; and it would be well there should be a different distance fixed for a large town of 500,000, from what there should be for a small of 5,000 inhabitants.

THE EARL OF MORLEY suggested that this proposal was well worthy consideration.

THE DUKE OF NORTHUMBERLAND said, that after what had been said, he would leave the matter to the consideration of the Government.

Amendment (by leave of the Committee) *withdrawn*.

THE EARL OF KIMBERLEY said, he desired to propose an Amendment to put a stop to an evil which had been long prevalent. It constantly happened that when a common adjoined a town persons were tempted to inclose small pieces from time to time without any right whatever. As no person was entitled to resist such encroachments but the commoners themselves, and the process was exceedingly expensive, practically no one interfered. He might point out a notable instance in Epping Forest, where thousands of acres had been inclosed, during many years, without any right whatever; and but for the accident that the City of London had acquired rights as commoners, and had the spirit and the funds to interfere, that beautiful district would have been lost to the public. He thought it but reasonable that some authority—the urban authority—should be empowered to come forward to protect the rights of the public. He therefore proposed to insert in the clause after the 7th subsection the words—

"In the case of a suburban common it shall be lawful for any urban sanitary authority which would be entitled under this Act to receive notice of an application for an inclosure to apply, if it shall think fit, to the county court within whose jurisdiction such common is situate for an order or injunction under the provisions of Section 30 of this Act."

This Amendment would not interfere with rights of lords and commoners to inclose their commons by agreement among themselves, but it would give the urban sanitary authority the right to interfere to prevent inclosures which were simply illegal.

THE DUKE OF RICHMOND AND GORDON said, he could not consent to the Amendment, which would set up a

new right of property. The Government, in introducing this Bill, stated its principle was to preserve all existing rights of property, and did not seek to confer any right on the public which they did not enjoy at the present moment. The Amendment, moreover, would enable an urban authority to contest the right of a private individual at the expense of public funds, and that, he thought, would be undesirable and unjust.

THE EARL OF MORLEY supported the Amendment, which he thought desirable, in order to prevent the encroachment by individuals on public rights. It seemed to him to lie within the scope of the Bill, and would only slightly add to the power which the Bill conferred on urban authorities.

THE LORD CHANCELLOR said, that the Amendment was foreign to the principle of the Bill. Whilst he fully recognized the high honour that was due to the Corporation of London for what they had done in connection with Epping Forest, he could not sanction the general principle that private rights should be contested by means of public funds.

On Question? *resolved in the negative.*

THE DUKE OF NORTHUMBERLAND moved, at end of clause, to insert—

"When part only of a common is situate within the aforesaid distance from a town, such part shall be deemed for the purposes of this Act to be a common separate and distinct from the part situated without and beyond such distance."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

#### *Procedure.*

Clauses 9 to 18, inclusive, *agreed to.*

Clause 19 (Allotments for recreation and gardens.)

THE DUKE OF NORTHUMBERLAND moved to omit the clause.

THE DUKE OF CLEVELAND asked what the clause really meant.

THE DUKE OF RICHMOND AND GORDON said, the clause was not in the Bill as originally introduced, but had been inserted in the passage of the Bill through the other House. He would look into the matter before the bringing up of the Report.

Clause *agreed to.*

Clause 20 (Gravel digging) *agreed to*.

THE DUKE OF SOMERSET moved, after Clause 20, to insert new clause—

“After the passing of this Act in all commons where rights of turbary exist it shall not be lawful for any person to skim or pare off the surface soil of such common, whether the peat in such common be exhausted or not.”

THE DUKE OF RICHMOND AND GORDON said, he could not accept the Amendment of the noble Duke. The fundamental principle of the Bill was the preservation as far as possible of existing rights, and, therefore, if persons had a right to pare a common that right must not be interfered with.

THE DUKE OF BUCCLEUCH also opposed the Amendment on the ground that the right of turbary was one of the most ancient rights known to the law.

On Question, whether to insert? *resolved in the negative*.

#### PART II.—AMENDMENT OF THE INCLOSURE ACTS.

##### *Field Gardens and Recreation Grounds.*

Clause 21 (Expenses of clearing, draining, and fencing field gardens.)

THE EARL OF POWIS said, the clause enacted that the valuers should cause every allotment made for a field garden to be cleared, drained, fenced, levelled, and otherwise made fit for immediate use and occupation; and the expenses incurred by the valuer under this section should be paid as part of the general expenses of the inclosure. This introduced quite a new principle, and he moved that it be struck out. The fencing would be done as part of the inclosure under the existing law. The preparing of the ground should be done by the local authority, in whom the garden would be vested, and who would repay themselves out of the rents.

THE DUKE OF MARLBOROUGH was in favour of the provision, which he thought only carried out the principle of the Bill.

THE MARQUESS OF BATH said, it was very difficult to understand the meaning of the clause. No valuer, he thought, would be able to apportion the expenses of the valuation.

THE LORD CHANCELLOR said, that the Government were of opinion that drainage should be part of the

general scheme in regard to any inclosure, and the clause would keep everything under one system. He should therefore oppose the omission of the clause.

On Question, whether to omit? *resolved in the negative*.

Clause *agreed to*.

Clauses 22 to 29, inclusive, *agreed to*.

Clause 30 (Jurisdiction of County Court in respect of illegal inclosures.)

LORD ABERDARE asked whether the jurisdiction to be given to the County Courts in respect of illegal inclosures would extend to preventing those who sunk pits for coals or other minerals from tipping the waste, or spoil, or rubbish on any common lands?

THE LORD CHANCELLOR said, that the only answer which he could give was, that if such rights existed now in respect of spoil and so forth, the County Court Judges would have no power to interfere; but if such rights did not exist they would have jurisdiction.

Clause *agreed to*.

Clauses 31 and 32 *agreed to*.

##### *General Amendments.*

Clauses 33 and 34 *agreed to*.

#### PART III.—MISCELLANEOUS. DEFINITIONS.

Clauses 35 to 38 *agreed to*, with Amendments.

Report of the Amendments to be received on *Tuesday* next; and Bill to be *printed*, as amended. (No. 176.)

#### MERCHANT SHIPPING BILL.

(Nos. 99, 160.)

(*The Lord President.*)

#### REPORT OF AMENDMENTS.

Amendments reported (according to Order.)

Clause 4 (Sending unseaworthy ships to sea a misdemeanour.)

THE DUKE OF SOMERSET moved to leave out the first paragraph of the clause, and substitute the following:—

“Every person, including the managing owner, who sends, or attempts to send, or is

party to sending or attempting to send, a British ship to sea in such unseaworthy state that the life of any person is thereby endangered, shall be guilty of a misdemeanour if it shall be proved that he did not use all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was under the circumstances reasonable and justifiable."

THE DUKE OF RICHMOND AND GORDON said, he had hoped that the Government had succeeded in removing all objections to the clause as it stood by the Amendment which he proposed to move—that it should apply to all persons and not merely to the managing owner. He could not accept the Amendment of the noble Duke.

Amendment *negatived*.

THE DUKE OF RICHMOND AND GORDON moved to leave out the words—"and the managing owner of any British ship so sent to sea from any port in the United Kingdom." The omission of these words made it clear that "every person" who sent, or was party to sending, a ship to sea in such unseaworthy condition as to endanger the life of any person was guilty of a misdemeanour.

Motion *agreed to*; words *struck out*; Clause, as amended, *agreed to*.

Clause 24 (Penalty for carrying deck loads of timber in winter.)

THE DUKE OF RICHMOND AND GORDON, in connection with the Proviso that a master or owner should not be liable to any penalty under this section, moved the following additional exception:—

"If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day."

Motion *agreed to*; words *added*.

Proviso, that nothing in this section "shall affect any foreign ship coming into any port of the United Kingdom under stress of weather, &c.," amended by leaving out the words "foreign ship coming," and inserting in lieu thereof, "not bound to any port in the Kingdom which comes."

Further Amendments made; Bill to be read 3<sup>d</sup> on *Friday* next; and to be *printed*, as amended. (No. 177.)

House adjourned at a quarter past Seven o'clock, to Monday next,  
Eleven o'clock.

## HOUSE OF COMMONS,

*Friday, 14th July, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Prisons (Scotland) \* [247]; Union of Benefices \* [248]; Metropolitan Board of Works (Loans) \* [251]; Exhausted Parish Lands \* [252].

*Committee*—Elementary Education [155]—R.F. Considered as amended—Medical Act (Qualifications) \* [170].

*Third Reading*—Convict Prisons (Returns) \* [227]; Orphan and Deserted Children (Ireland) \* [32], and *passed*.

The House met at Two of the clock.

## GIBRALTAR—ALIENS.—QUESTION.

### QUESTION.

MR. O'CONNOR POWER asked the Under Secretary of State for the Colonies, If he has any objection to lay upon the Table of the House Copies of the Correspondence that has passed between Mr. F. Solly Flood and the Governors or Deputy Governors of Gibraltar, and between Mr. F. Solly Flood and the Colonial Office, since the 1st day of July 1858, with reference to the subject of Aliens in Gibraltar?

MR. J. LOWTHER, in reply, said, that a considerable amount of Correspondence had been already published on this subject, and in the course of time, it would probably be necessary to produce other Papers; but, in the meantime, it would hardly be convenient that isolated portions of the Correspondence referred to by the hon. Member should be produced. In case of further Correspondence being produced he would be happy to take into consideration the object which the hon. Gentleman had in view.

## ELEMENTARY EDUCATION BILL.

(*Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Asheton Cross.*)

[BILL 155.] COMMITTEE.

[*Progress 13th July.*]

Bill considered in Committee.

(In the Committee.)

Clause 11 (Exception to prohibition of employment of children.)

Question again proposed, "That the words 'in the hay harvest, corn harvest, or hop picking' stand part of the Clause."

MR. RYLANDS said, that in moving to report Progress on the previous evening, he had been actuated by a desire that the Committee should have a full opportunity of discussing the very important clause at which they had arrived, and the very important Amendment which had been moved on it. It appeared to him that the 11th clause embraced one of the cardinal principles of the Bill. It was not merely that they were simply to consider the six or eight weeks during which it was proposed by the clause to allow the local authority to sanction the withdrawal of the child from school; but there was a far more important principle underlying the clause — namely, whether agricultural children under a certain age should be employed in agriculture at all. That, he thought, was the principle which they ought to discuss in connection with the clause, and it certainly did seem to him that in reference to a matter of such vital importance, affecting one of the main principles of the Bill, it would have been most unfortunate if the discussion had been cut short by the late hour at which they had arrived, and if the Committee had been hurried into a division which would scarcely record their mature judgment. It therefore did appear to him that his hon. Friend the Member for South Durham (Mr. Pease) had acted with wisdom and discretion in moving, at half-past 12 o'clock in the morning, when they were about to discuss a matter of such great importance, that the question should be adjourned. He regretted the manifestations which had been made by hon. Gentlemen opposite, at a later period of

he sitting, when his hon. Friend rose at about half-past 1 in the morning, to justify the course which he had taken. He (Mr. Rylands) could not help thinking that the principle of the Bill did not carry out the intentions of the noble Lord the Minister of Education. The noble Lord, in the very able and admirable speech in which he introduced the measure, specially insisted, in very strong terms, upon the necessity of having uniformity as to the conditions under which young people throughout the country should be employed. He gathered from the speech of the noble Lord that he saw serious objections to there being one law with regard to the employment of children in one branch of industry, and another law in regard to their employment in other branches of industry; and he understood the noble Lord to urge the great importance of having, as far as possible, uniformity as to the employment of children. It would appear that uniformity was the policy which had been carried out by the Legislature. In one period after another they had witnessed the introduction of measures relating to the employment of children, and all of them had tended in the direction of uniformity. They therefore had a right to say that this uniformity in the policy of the Legislature in former enactments, ought not to be departed from when they were devising means for the education of large masses of the community. There were two great reasons why they should adopt the policy of restricting the labours of young children. The first was, that in the employment of young children there had occurred instances of material injury to health; and in addition to that there was the feeling which was becoming more and more manifested in the Legislature, that the children of this country ought to be educated. They had also recognized that in regard to the parents of many of the children there had not been the disposition to prevent their children being hurried into employments at an early and unsuitable age. The result was that the Houses of the Legislature had not hesitated to interfere with the principle of freedom of contract; and they had said to the employers and the parents that they would not allow them to contract for the labour of their children, because they felt there were interests

of the State which ought to over-ride that freedom of contract. They therefore said to the parents—"You are bound to give your children a sufficient education, and there is nothing in the advantage which you would derive from their wages which would justify you in keeping them from school." In regard to these two reasons for keeping children of a tender age from employment, both of them operated quite as strongly in regard to agriculture as they did in regard to trade, and what he advocated now was simply this,—that the policy which the Legislature had adopted in regard to the children engaged in manufacturing industries should be adopted equally in regard to children of a tender age employed in agriculture. He had said that there were two great reasons why this policy should continue to be carried out, and one reason was the scandals which had arisen in consequence of the employment and want of education of young children. He believed that the scandals in regard to the employment of young children in agricultural pursuits were quite as great as those which had arisen from their employment in the manufacturing industries. It was not long since the Report of a Royal Commission was laid upon the Table of the House as to the employment of children in agriculture. Had hon. Members forgotten the accounts contained in that Blue Book? He had not had time to refer to them particularly, but he recollected reading the Report of the Commission, and knew that he felt horrified at the details which were given by the Commissioners as to the results of their inquiries into the conditions of the labour of the young children. If hon. Members would take the trouble to turn to that book they would find the most harrowing details in regard to cases in which little children, only fit to be at their mother's knee, had been sent out under all conditions to earn a paltry pittance in the agricultural field. He believed that the scandals were as great in regard to the employment of children in agriculture as in connection with the mills. ["Oh, oh!"] Hon. Gentlemen might doubt that statement, but he had reason to believe that it was true. He did not wish it to be supposed that he wished to justify anything which had occurred in regard to the manufacturing

industries. He believed that the legislation in regard to them had been a wise legislation, and as a manufacturer himself he was delighted that the Legislature had interfered to prevent the employment of young children. When the Mines Bill was before the House three or four years ago, and when a question was raised as to the prohibition of the employment of children in mines under 10 years of age, he voted against any exceptions being made, and in favour of the law being absolute that children under 10 years of age under no circumstances should be employed in mines. Therefore he asked now for the same rule to be applied to children employed in agriculture. Hon. Members opposite would no doubt be disposed to say that the argument would hardly apply, seeing that labour in the mines was unhealthy, while labour in agriculture was not detrimental to health. He could well understand when hon. Members went down to the country in such delightful weather as we had yesterday, their coming back and feeling that all the world was sunshine, with everything to make the people happy. He did not suppose that children employed in the fields in such weather would take much harm. But, unfortunately, in the variable climate of this country, serious changes in the weather were constantly occurring, and they frequently found not only warm days, but cold and wet days with bitter east winds. In the present Bill permitting the employment of young children in agriculture, there were no exceptions dependent upon the weather and the changes in the climate, but they proposed to do as had already been done in far too many cases—namely, to send children of six and eight years of age, thinly clad, in damp wet weather, and with cold east winds to follow an out-door employment. Do not let hon. Members think, therefore, that this was under every circumstance a healthy employment. He believed that the lives of hundreds of children had been shortened in consequence of the inclemency of the weather to which they were subjected. He was quite aware that in respect of certain processes of manufacture some were more healthy than others. In some, children might be employed without the slightest detriment to their health, but the Legislature knew perfectly well that it would not do

to allow exceptions to creep in. When he spoke just now as to the state of the weather in the summer time, he ought to have pointed out that that was not the only period to which the Amendment of the hon. Member for South Norfolk was confined. On the contrary, it contemplated the employment of children at all times of the year when the necessity of husbandry required it. The words of the Amendment were clear and distinct—that the local authority, which in most cases would consist of farmers and the employers of these children, might, by giving notice, allow the employment of the children in the necessary operations of husbandry at any period of the year from the 1st of January until the 31st of December. He was not sufficiently acquainted with agriculture to state the periods in which the different operations of husbandry were conducted; but he knew that if they were necessary in all times of the year, the local authority, under a pressure for labour, would have power to authorize the employment of young children. He thought that ought to be avoided as much as possible, and that children under 10 years of age should be kept at school and not permitted to labour. He looked upon that as an absolute State necessity. It was an absolute necessity to have these children educated, and that was the reason why they were engaged in discussing the present measure. It did appear to him that it was only fair and reasonable that the children brought up in the agricultural districts should be so educated that they would be able to go into the large towns to compete on fair terms with those who were brought up under the educational system provided in urban localities. Under these circumstances, he felt bound to oppose the Amendment of his hon. Friend the Member for South Norfolk. Why should Parliament be called upon to declare that the agriculturists should be treated in a different manner from other employers in England? He looked upon farming as a manufacture. They had the capital, the employment of labour, and the industry. Therefore, he thought that the farmers ought to be treated in precisely the same manner as other employers of labour were treated. He was aware that for years past the farmers had been accustomed to look to the Legislature for exceptional treat-

ment. He confessed that he regarded such a policy as a very pernicious policy. He did not think they ought to encourage it for one moment, and when his hon. Friends opposite said the farmers could not get through the harvest without juvenile labour, he thought they were raising an alarm which was altogether without foundation. He reminded the Committee that there had not been a single restriction imposed upon labour in the manufacturing districts which had not been met by the same cry of alarm. The manufacturers had always said, just as his hon. Friend the Member for South Norfolk was saying now in regard to farming operations, that if the Legislature placed restrictions upon their industries, it would have a very serious and injurious effect upon them. He believed the experience of the country proved that the Legislature had not seriously interfered with these industries or with the manufacturing prosperity of the country. If it did to some extent for the moment interfere with the money-getting of the country, then, he contended, that there was something far higher than money-getting. They were bound to see that the children were properly educated and trained in order that they might make good and useful members of society. He thought the Government would deserve support if they absolutely refused that any children under 10 years of age should be employed in any part of the country in any industrial occupation. Under these circumstances, he hoped the Amendment of his hon. Friend would be resisted, and that it would be effectually defeated.

MR. RODWELL contended that in the interests of the public, the employers of labour, the parents, and the children themselves, the Amendment ought to have the support of the Committee. It was impossible to reduce the operations of agriculture to that regularity which was observed in the factory and the workshop; and the rules affecting farmers should have a certain amount of elasticity. Did the hon. Member when he spoke of uniformity, think it the same thing to employ children in industrial occupations in the country wh—  
 sh—old breathe fresh, pure  
 sh— to the foul and  
 ch— to factory and  
 sh— the Commis-

*Mr. Rylands*

sioners on the Factory question, there were only a few slight references to anything connected with agriculture, but the Commissioners distinctly recommended that in the agricultural districts the children should be set free from attendance at school during the busy season, in order that they might take part in agricultural work, provided full attendance at school was secured during the other periods of the year. There were various operations in husbandry, such as weeding and the in-gathering of potatoes, when juvenile labour was more important than during what was strictly known as the time of harvest. In his (Mr. Rodwell's) own district, in Cambridgeshire and the Isle of Ely, a very great quantity of seed was grown, and children were much employed to keep the beds clean from weeds in the early part of the year. In the late autumn also they were employed in gathering potatoes. In many parts children in harvest time went gleaning, and did not go to work at all. He considered that the Amendment of his hon. Friend was a reasonable one, and sufficient to meet the necessities of the case. It agreed with the Report, for the Commissioners recommended that it should be left to the local authority to fix the times when attendance at school should be insisted on, only taking care that in no case should the period of absence from school exceed six months in the year. It was the fashion to taunt those on the Conservative side with a desire to obstruct education. He denied the imputation, and asserted that there were no greater friends to education than those connected with the landed interest of the country. He should give his unflinching and unhesitating support to the Amendment of his hon. Friend.

MR. FAWCETT said, that that was the first Amendment touching the education of children engaged in agriculture; but although the Bill was a great advance in some respects, he feared that if the Amendment were adopted the children employed in agriculture would be worse off under the Bill than they were at the present time. ["No, no!"] The recommendations of the Factory Commissioners to which the hon. and learned Member for Cambridgeshire had so triumphantly referred were irrelevant to the question before the House; they did not apply to the question

whether children of 6 years of age should be permitted to be employed under any conditions, but to the employment of children, between the ages of 10 and 14. He believed the effect of the Amendment would be to injure the children employed in agriculture. ["No, no!"] It would be injurious to a child of the age of 5½ or 6 years to employ it even in summer weather, but the hon. and learned Member for Cambridgeshire thought young children could be advantageously employed in weeding. Now, what was weeding? [Laughter.] If any hon. Members thought that a subject for laughter and scorn let them read the Report of the Factory Commission, and when they read the harrowing details of children of 6 and 7 being sent out early in the morning to weed in the wet fields, he thought their laughter and their scorn would turn to something very different. There was nothing in the Report of the Agricultural Commission to justify the Amendment of the hon. Member for South Norfolk. The Agricultural Children Act, bad as it was, gave some security that children should have an education of some kind, but under the Bill that Act would be repealed, and nothing would be left in its place. His second objection was that not only would the Amendment, if carried, injure these children educationally, but it would have the effect of acting disastrously on the efficiency of the school by their irregular attendance; and his third objection was that no official evidence could be produced to show that the Amendment was required in favour of the agricultural interest. The Report of the Agricultural Commission showed that in no county was agriculture in such a thriving condition as in Northumberland. In no county were labourers better off, the farmers more prosperous, and the landlords more satisfied. In that county children were not sent to work before 12 years of age, and seldom before 13 or 14 years. The friends of education would never rest satisfied until legislation was based upon a principle that would ensure education to those employed in agriculture as well as to those employed in manufactures or any other branch of industry. Their contention was that no branch of industry should enjoy a monopoly of ignorance.



and gallant Baronet the Member for West Sussex had proposed two alternatives, one being eight years limit of age, and the other nine weeks duration of employment. Being very anxious to get the matter settled, he (Mr. Forster) said he could not agree to the eight years' proposal, because he thought it would be a bad precedent for the Home Secretary, but he added that he was prepared to accept the nine weeks proposal.

Question put, and *negatived*.

Question, "That the words 'or is otherwise necessary for the in-gathering of crops' stand part of the Clause," put, and *negatived*.

Question proposed,

"That the words 'within the notice of the local authority hereinafter next mentioned (that is to say):

The local authority may, if it thinks fit, issue a notice declaring the restrictions of this Act on the employment of children to be suspended, for the necessary operations of husbandry and the in-gathering of crops, for the period to be named in such notice, and during such period such restrictions shall not (save as to any proceedings commenced before the date of the notice) be of any force within the jurisdiction of such local authority: Provided, That the period or periods so named by such local authority shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year.

The local authority shall cause a copy of every notice so issued to be sent to the overseer of every parish within its jurisdiction, and the overseers shall affix the same to the door of the principal church in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit, be there inserted."

Mr. CLARE READ proposed to amend his Amendment by inserting after "employment of children," in line 4 of the Amendment, the words "above the age of eight years."

Amendment proposed to the proposed Amendment, after the word "children," in line 4, to insert the words "above the age of eight years."—*Mr. Clare Read.*)

Mr. MUNTZ asked whether he could propose to insert "ten" instead of "eight" in the Amendment?

THE CHAIRMAN replied that it was not the practice to amend an Amendment upon an Amendment, and there-

*Mr. F. E. Forster*

fore it would be necessary for the hon. Member to wait until the Report of the Bill.

MR. DODSON said, that if the hon. Member for Birmingham wished to insert "ten" instead of "eight," all that would have to be done was to negative the insertion of "eight." The hon. Gentleman could then move to insert "ten."

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 194; Noes 101: Majority 93.

On Motion of Sir CHARLES W. DILKE Sub-section *amended* by the introduction of words requiring that the notices for the purposes of the sub-section be affixed by the overseers to the door of every church and chapel in the parish.

On Motion of Lord FREDERICK CAVENDISH, Sub-section further *amended* by words requiring a copy of the notice to be sent to the Education Department.

Question put,

"That the words 'within the notice of the local authority hereinafter next mentioned (that is to say):

The local authority may, if it thinks fit, issue a notice declaring the restrictions of this Act on the employment of children above the age of eight years to be suspended, for the necessary operations of husbandry and the in-gathering of crops, for the period to be named in such notice, and during such period such restrictions shall not (save as to any proceedings commenced before the date of the notice) be of any force within the jurisdiction of such local authority: Provided, That the period or periods so named by any such local authority shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year.

The local authority shall cause a copy of every notice so issued to be sent to the Education Department and the overseer of every parish within its jurisdiction, and the overseers shall cause such notice to be affixed to the door of all churches and chapels in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit, be inserted after the word 'in,' in page 4, line 22."

The Committee *divided*:—Ayes 255; Noes 50: Majority 205.

On Question, That the Clause, as amended, stand part of the Bill?

In reply to Sir CHARLES W. DILKE, Viscount SANTON stated that the

Bill would not prevent the employment of children who lived more than two miles from a school, as it was thought better they should be employed than that they should be kept in enforced idleness; but he hoped and believed the time was not far distant when there would be very few children who would not be within two miles of a school.

LORD FREDERICK CAVENDISH hoped that before the Report the noble Lord would consider whether he could not adopt the limit of the Act of 1870, which was three miles.

Question put, and *agreed to*.

Clause 12 (Payment of school fees for poor parents).

MR. HOLT moved, as an Amendment, in page 4, lines 35 and 36, to leave out "not being resident in the district of a school board." The object of the Amendment was to enable Guardians to pay fees in school board districts, and thus set parents more free to send their children to denominational schools, if they desired to do so, or if those schools happened to be nearer than board schools.

VISCOUNT SANDON, in opposing the Amendment, said he would remind the Committee that the Bill did not recast the whole of our educational system, and it would be unwise to reopen the 25th clause of the Education Act, which had been agreed to after much discussion. He trusted that the hon. Member would not press his Amendment, because if these questions were opened up again it would necessitate their going on until they met again next year.

Amendment, by leave, *withdrawn*.

MR. BIRLEY moved, as an Amendment, in page 4, line 38, to leave out "guardians," and insert "local authority." The clause would then include corporations.

VISCOUNT SANDON said, that the Government attached great importance to these fees being paid only by the Guardians, the great object being to reduce such payments as much as possible. The clause followed that in the Scotch Education Act, which, it was stated, had worked very well.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. BIRLEY, Amendment made, in page 4, line 40, by leaving out the words "give the parent sufficient money to."

MR. BIRLEY moved, as an Amendment, in page 4, line 41, to leave out "three pence" and insert "four pence." The salaries of teachers and other expenses of schools were on the increase, and it was desirable that the children who were paid for should be on the same footing as others.

VISCOUNT SANDON hoped the Amendment would not be pressed.

Amendment, by leave, *withdrawn*.

On Question, "That the clause, as amended, stand part of the Bill?"

MR. A. BROWN said, he should move its rejection, because the payment by the Guardians of school fees for poor parents would tend to associate the idea of pauperism with that of education in the minds of the people.

MR. RICHARD entirely concurred in the views of the hon. Member, as the provision objected to was virtually an extension of the principle of Clause 25 of the Act of 1870, which he made an effort to repeal by the Bill he brought before the House in 1874. He objected to the ratepayers being taxed for the sake of purely denominational schools.

VISCOUNT SANDON said, that no people in the world were more independent than the Scotch, or more shy of being pauperized; but in the Scotch Education Act there was a similar clause to the one now under discussion for the payment of school fees due from poor parents. This system had been in actual operation in Scotland for several years, and had worked well.

MR. W. E. FORSTER said, parents could not be forced to pay if they had not the means to pay, and in such cases it was necessary that the school fees should be paid for them.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 242; Noes 49: Majority 193.

#### *Parliamentary Grant.*

Clause 13 (Special provision as to parliamentary grant to schools in poor districts), *postponed*.

Clause 14 (Contribution for fees of children who obtain certificates.)

VISCOUNT SANDON said, he proposed to make two or three Amendments in the clause. The first was, that the Education Department should have the power of raising the Standard and the amount of attendance from time to time. The second was, that at the end of five years the Government of the day might, if they thought fit, by the authority of the Queen in Council, go on with this system without being obliged to come to Parliament for a new Act.

*Amendments agreed to.*

On Motion of Mr. BIRLEY, Amendment made, in page 6, line 25, after "Parliament," by inserting—

"Such fee to include the cost of books and other requisites, and the school fees so paid to be reckoned as school pence to be met by the grant payable to the department."

On Question, "That the clause, as amended, stand part of the Bill?"

MR. KAY-SHUTTLEWORTH moved its rejection in order to afford the Committee an opportunity of considering what it really involved. The Standard to be passed in order to obtain this reward was not a very high one, and he did not think that free education was the best form of reward. His own suggestion would be that in the limited number of cases in which rewards of this kind ought to be given, they should rather take the form of assistance in a higher school. The number of attendances to be required was not large, nor was the period of attendance long.

VISCOUNT SANDON thought that the clause would enable them to take a step in the right direction, and trusted that it would be retained. He proposed to increase the number of attendances to be required from 250 to 350; but he was obliged to begin with two years, because at present the registers were not kept for a longer period. The Standard could be raised by the revision of the Code. Exhibitions and scholarships worked well in the middle and upper classes; many hon. Members of the House had benefited by them; and he believed that for the working classes these rewards would be a step in the right direction.

MR. WALTER did not know how it might be in the case of large urban

schools, but so far as his experience went, the children who would carry off the prizes in rural schools would be precisely those who least required them—the children of mechanics, small farmers, and others, who were comparatively well-to-do people, and who could better afford to pay higher fees than could the labouring classes. If there were any probability of these prizes being carried off by the children of the labouring classes it would be well to offer them, for they would then be analogous to scholarships at the Universities, which were generally carried off by those who were not particularly wealthy. That a mechanic had a child of remarkable quickness was not a reason why that child should receive a free education. The clause proposed an experiment from which it would be difficult to withdraw, and if there were a division he should vote with the hon. Member for Hastings.

MR. W. E. FORSTER said, the clause was an important one, for there was no doubt that its immediate effect would be to give a considerable stimulus to the demand for free education. He believed that its operation would withdraw large sums from the Exchequer, and that it ought not to be adopted without full consideration. If education became as efficient as they had every reason to hope and expect it soon would be, the Standard required at the age named would be the Standard that every child of that age ought to be able to pass in, and almost immediately the children of artisans and mechanics who had been in regular attendance might be expected to pass in it. If a free education were given to such children, how could it be refused to others who were just as meritorious, though not so fortunate, and whose parents would feel the burden of education more than those who were relieved of it? He did not fear facing the result of free education, but it would not be possible to stop at elementary education, and the adoption of this clause would be the taking of a step which it would be difficult to retrace.

MR. HEYGATE hoped the clause would not be pressed, because it was clearly a step in the direction of free education, to which many of them were opposed; and it would be quite enough for many hon. Members if he told them that this was the only clause of the Bill which was approved by the

Birmingham League. It would assist those who were best able to pay for themselves, and it would operate chiefly in the large towns to the benefit of well-paid mechanics and artizans, at the expense of the middle classes, who felt the pressure of the rates to the greatest extent.

THE O'CONOR DON concurred in the objection that the clause would inevitably lead to free education, and that it would assist parents who were able and willing to pay fees.

MR. A. MILLS said, he did not share the apprehensions that the clause would make any large demands on the Exchequer, particularly if the Standard were raised, or that it would lead to free education, any more than scholarships at the public schools had done so, and, therefore, he should support the clause.

LORD ROBERT MONTAGU supposed the intention was not so much to relieve parents of the cost of education as to promote emulation in schools. The noble Lord the Vice President said he intended ultimately to raise the Standard, and he might always, by doing so, reduce the competitors within reasonable limits.

MR. J. G. HUBBARD doubted whether the proposal would have the effect of stimulating emulation. What prizes did children of from 3 to 13 years of age principally value? Toys. Money prizes would be nugatory as to the effect upon the children, and would really give the parent a pecuniary advantage in having a child of greater natural capacity than others. That was in itself an advantage, and the assistance should rather be given to the parents of the dull children.

VISCOUNT SANDON admitted that this was a new and somewhat bold proposal. The Committee, however, would recollect that Parliament was by the Bill introducing a very strict system of compulsion, under which parents were called upon not only to send their children to school regularly, but were subjected to a very large expenditure for this purpose. Rates were rising all over the country, and it was not the parent who wished for this law, but Parliament, which went to the parent and said—"You must do this." Hitherto there had been nothing but "driving;" but now he hoped to introduce a more healthy element, and to endeavour to excite emulation among the children. From information that came to him at the Privy

Council Office, he was informed that several places were trying the experiment of free education for themselves. In Liverpool there was a society which offered a free education for children who had made full attendances, and it reported that a very high standard of regular attendance had thus been attained without any "Standard test;" that the competition for this prize beneficially affected the general regularity of the attendance; and that the honour of gaining the prizes was regarded as of special value by the parents and children. Without laying too much stress upon the precedent of the Queen's Scholarships, which gave a free education to young teachers, he would remind the House of what had occurred in regard to the great endowments of the country. For many years free education had almost been the rule in our grammar schools and old foundations. The Education Commissioners, however, agreed that free education had not been valued by parents, and that the system had broken down. The result had been that free education had been got rid of by converting the funds into exhibitions. To say, therefore, that the Government were by this clause introducing the principle of free education was untenable. As to the assertion that these prizes would be appropriated by children of the mechanics in towns, it was nothing but a part of that system of self-depreciation of the country against which he had so often protested. The fact was, according to the figures at the Education Office, that the country children attended rather better than those of towns, and they passed a rather higher Standard; so that it might with much more reason be alleged that it would be the country children who would carry away the greater part of the prizes. As to the poor children not getting these prizes, he apprehended the effect would be that children of merit who had attained the age of 10 years would be able to say to their parents—"We have got this little bursary"—as it might be called—"and we hope you will let us go on attending school, because it will be of no expense to you." The Committee were putting 10 years as the limit in this Bill, but he should be sorry for the State to be understood to express any wish that the education of children should end at 10. It would be, in fact, desirable that children should go on

until 13, if the parents' circumstances allowed it. He owned he attached great importance to this proposal, which had been well received by the intelligent working classes; and with regard to free education, the Government would have the power to alter the Standard, so as to avoid any inconvenience from that cause. He trusted that the Committee would affirm the clause, which would be accepted as a boon and as a mark of the wish of Parliament to elevate the working classes.

LORD FREDERICK CAVENDISH suggested that the proposal should be limited according to the number of children in a school, so as to bring them nearer to the character of scholarships.

MR. STORER feared that the clause would ultimately lead to a great additional charge on the public revenue.

MR. LYON PLAYFAIR supported the clause. The great difficulty hitherto had been to induce children to remain sufficiently long at school, by encouraging parents to believe that the Fourth was the maximum Standard, which was no inducement for children to be kept longer at school. This proposal would give them an inducement on the part of the State, after they had passed the Fourth, to go on to a higher Standard, and the effect would be to infuse the same ambition among the whole of the children at school. He denied that these were in any sense scholarships, and he did not wish to see the number limited so as to make it in the nature of scholarships, because if they did it would reproduce the evils of the competitive examinations. The benefit of the clause was that it made the Fourth Standard part of the ordinary school work, and the Education Department could carry on the impulse to the higher education by raising the Standard still higher. The mere fact of compulsion existing in this country would render it necessary that a higher education should be given than mere reading, writing, and arithmetic according to the Fourth Standard. He hoped the noble Lord would continue to press the clause.

MR. ASSHETON said, the supporters of the Bill hoped it would raise the general standard of education throughout the country; but there was a probability that this clause would have a directly contrary effect, because if it

were passed the teachers throughout the country would do their best to push forward the children who were likely to get prizes, while the more stupid children would be neglected.

MR. WHITWELL supported the clause for the very reason that it would give a stimulus to teachers to push their pupils forward.

SIR WALTER BARTELOT said, he regarded the clause with considerable apprehension, because it was founded on a principle which was likely to be extended if it were once introduced. It was the principle of endowment to elementary schools, and he was not prepared to support it, and he hoped that as it was admittedly only an experiment, it would not be further persevered with at present. We ought to provide that every child should have a fair and sufficient education, but we had no right to take money out of the public funds for anything beyond this, unless it were proved to be absolutely necessary in the interests of the nation. He agreed with the hon. Member for Berkshire that these prizes would fall into the hands of the class which least needed them.

MR. MUNTZ thought the clause was a wise and beneficial one. If a large number of children should get on too well, it would be easy to raise the Standard. He hoped the Committee would not throw out a clause which was the first boon that had been offered to the working classes.

MR. FLOYER was opposed to the clause because he believed it would prevent the good working of the schools. If there were a large number of children in a school who were to receive their education free of expense, a broad line would be drawn between those who were receiving that education free of expense and those who were paying for it, and this would engender considerable dissatisfaction. He would, therefore, vote against the clause.

MR. PELL, upon reflection, did not think that the clause would help the people whom the noble Lord and the Government desired to assist. He intended to vote against it.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—*Ayes* 166; *Noes* 92: Majority 74.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

It being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

#### SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### THE DECLARATION OF PARIS.

##### RESOLUTION.

MR. PERCY WYNDHAM rose for the purpose of moving a Resolution upon the subject, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock, till *Monday* next.

#### HOUSE OF LORDS,

*Monday, 17th July, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Convict Prisons (Returns)\* (179); Orphan and Deserted Children (Ireland)\* (180); Clean Rivers\* (182).

*Second Reading*—Bankers Books Evidence (159); Legal Practitioners (Ireland)\* (170).

Committee—Poor Law Amendment (150-181); Local Government Board's Provisional Orders Confirmation (Bath, &c.)\* (168)—(Bilbrough, &c.)\* (169); Medical Practitioners\* (157).

Committee—Report—Public Works Loans\* (167).

*Third Reading*—Wild Fowl Preservation (134); Settled Estates Act (1856) Amendment\* (151); Local Government Board's Provisional Orders Confirmation (Chelmsford, &c.)\* (161)—(Artizans and Labourers Dwellings)\* (127); Customs Duties Consolidation\* (162); Customs Laws Consolidation\* (163), and passed.

#### THE DECLARATION OF PARIS, 1856.

##### RESOLUTIONS.

THE EARL OF DENBIGH, who had given Notice to move the following Resolutions:—

"1. That the object of the Declaration of Paris respecting maritime law, signed at Paris on the 16th April 1856, was, as expressed in the preamble, 'to endeavour to attain uniformity of doctrine and practice in respect to maritime law in time of war:'

"2. That it is, moreover, obvious that the whole value of any such declaration, as changing the ancient and immemorial practice of the Law of Nations on the subject, must necessarily depend on the general assent of all the maritime states to the new doctrines:

"3. That the fact of important maritime powers, such as Spain and the United States, having declined to accede to the Declaration of Paris, deprives that document of any value as between the governments that have signed it:

"4. That the consequence of some powers adhering to the new rules whilst others retained intact their natural rights in time of war would be to place the former at a great and obvious disadvantage in the event of hostilities with the latter:

"5. That Great Britain being an essentially naval power this House cannot contemplate such an anomalous and unsatisfactory condition of international obligations without grave misgivings:

"6. That independently of other considerations the failure, after twenty years negotiations, to bring about general adhesion to its terms necessitates the withdrawal of this country from what was necessarily and on the face of it a conditional and provisional assent to the new rules:

"7. That this House, while desiring to leave the question of opportuneness to the discretion of Her Majesty's Government, and having confidence in the repeated declarations on the subject of individual members of the present Administration, think it desirable to record an opinion that no unnecessary delay ought to take place in withdrawing from the Declaration signed at Paris on the 16th April 1856 on the subject of Maritime Belligerent Rights,"

said, when I put these Resolutions on the Journals of the House, it was with the anticipation and belief that the whole question involved therein would have been previously fully discussed in "another place," and enabled your Lordships and the country generally to appreciate the arguments on each side. That there are cogent and weighty arguments to be urged on the opposite side I am well aware; but as this discussion in the other House has been defeated by a manœuvre, I prefer not to take up your Lordships' time by entering at length on this important subject, and I will confine myself to exposing in a very few words some of what I may term the popular fallacies which have lately been reproduced publicly, and endeavour to show that they will not bear the test of close examination. These are—first, the Declaration is of the nature of a Treaty,

Eastern languages in Europe, and he doubted whether he should ever have acquired the little he knew of any Eastern language without having first obtained a grounding in them there. In conclusion, the noble Lord quoted the following opinion of Colonel Yule as given in his Minute of the 22nd of January last in support of the third proposition in his Notice:—

“Taking the mass of our candidates young, I should be disposed to support also the scheme which would provide for the nomination of a small, defined number of older men who had taken honours at the Universities without competition. In this way we should get a few men of maturer culture who might be valuable in various special lines of employment.”

THE MARQUESS OF SALISBURY said, his noble Friend (Lord Stanley of Alderley) wished the Arabic, Persian, and Sanskrit languages to be included in the competitive examination by which candidates for the Indian Civil Service were selected, and also to enter into the probationary course through which the candidates had to pass before proceeding to India. Now, the object of the competitive examination was not to select persons ready at once to take part in the Indian Civil Service, but to select the raw material out of which Indian Civil servants might be manufactured. The probationary course was the process of that manufacture, and those languages to which the noble Earl referred might form a part of that course. But, if they allowed those languages to be a principal element in the preliminary competitive examination, they would not attain their object—which was to get the best educated English youth of the time. Therefore he could not recommend any great change in the arrangement of subjects for the preliminary examination. But as to the subsequent probationary course, there was such an amount of authority in favour of the cultivation of Sanskrit, Arabic, and Persian that his noble Friend might rest satisfied there was no danger of their being neglected. The third part of his noble Friend's Question raised on a very small point a very large controversy—namely, as to competitive examination. Now, he (the Marquess of Salisbury) was himself no superstitious admirer of competitive examination, and if sufficient cause were shown he would not object, in certain cases, to an alter-

native system. But the principle of competitive examination had this advantage—that it was suited to our present social and political condition. It did not inflict a sense of injury or of inequality in those persons who might be anxious to obtain appointments in the Civil Service; while it also saved our public men from the temptation, or—what was still more important—from the suspicion of using their patronage for Party ends. For those objects—and especially for the last—competitive examination, though it might not be the best system that could be devised, was a good one; and from what he had seen of official life, he thought in these days the position of the head of a Public Office would be simply intolerable but for that system; whatever effect it might have on the candidates or the public, it was the very charter of safety to the heads of those Departments. But it nevertheless had drawbacks. For instance, it treated literary proficiency as if it were the sole qualification, or rather as if it were a sufficient guarantee, for all other qualifications requisite for the government of men—whereas there were historical examples in which men of no literary proficiency whatever had shown remarkable fitness for the government of men and the administration of kingdoms. But, whatever those drawbacks might be, they had the satisfaction of knowing that in the opinion of the highest Indian authorities they had not been serious. Moreover, the suggestion of his noble Friend that they should take men who had won University honours would not meet the difficulty of the case. If there was any other way of getting at the qualities they required besides literary proficiency to fit men for high position, he should be glad to know it. For himself he had given up the search in despair. In their present political condition he did not think any principle of selection which savoured of nomination would work satisfactorily. He was now only speaking of the Indian Civil Service, with which he was acquainted.

EARL GRANVILLE said, he quite agreed with the noble Marquess as to the two reasons he had given in favour of competitive examination. He could not conceive of a more complete answer to the objections which had been taken to that system than was furnished by the Blue Book on that subject. The evi-

*Lord Stanley of Alderley*

dence contained in those Papers was most conclusive that not only did the principle of competitive examination enable them to avoid the difficulty of selection on which the noble Marquess had laid great stress, but also to hit upon a method which, upon the whole, gave them the best material for their purpose. With regard to any advantages to be held out to young men undergoing a probationary training for the Indian Civil Service at the Universities, he hoped that the University of London would not be excluded from the benefits of such an arrangement. Young men trained at King's College and University College, London, would not only have the advantages of University discipline and instruction, but could follow the practice of the Courts much better in London than in a University town.

In reply to Lord WAVENEY,

THE MARQUESS OF SALISBURY, said, that in the regulations which had been made in reference to the teaching of the languages in question, there had been no desire to make any special provision which should be more favourable to Oxford or Cambridge than to any other University, but simply that an advantage should be given to the University which made provision for such teaching. The University of London had a concrete form, various Colleges being combined with it. There was nothing in the regulations which limited them to Oxford and Cambridge, and it might be desirable to bring the University of London within them.

#### WILD FOWL PRESERVATION BILL.

(The Lord Henniker.)

(NO. 134.) THIRD READING.

Bill read 3<sup>a</sup> (according to Order).

LORD COLVILLE of CULROSS, who said he had placed an Amendment on the Paper, pointed out that grouse and blackcock shooting commenced on August 20th and ended on December 10, and yet all through the months from December to May blackcock was offered for sale at a shop in the Strand. He might be told that the birds came from Norway; but that was no reason why the law should be evaded, and thus be an inducement to persons to resort to poaching in this country. He would

not move his Amendment because he did not desire to obstruct the passing of the Bill, though it was in an imperfect form.

EARL GRANVILLE said, that he also had an Amendment on the Paper, but for the same reason would not move it. He hoped next Session a Bill amending the law would be brought forward.

LORD HENNIKER said, he must thank the noble Earl (Earl Granville) and the noble Lord (Lord Colville) for not impeding the progress of the Bill by inserting Amendments, and so, perhaps, defeating it for this Session, not only in the interest of sport, but in the interest of the consumer. He must state, in justice to the large dealers, that they were in favour of the Bill. He thought the thanks of the House were due to the noble Lord for calling attention to the fact that black game and other birds were sold out of season in London, but that hardly came within the scope of the Bill. Surely, the law was sufficiently stringent now to prevent these illegal sales. If, too, these birds came from Norway, he must remind the noble Lord that the game laws in Norway were far more stringent than our own. He had every hope the Bill would work well. It was drawn on the same lines as the Sea-birds Protection Act, and that had worked well. However, he would certainly take the suggestions made by the noble Earl and the noble Lord, and if it did not work well, he would endeavour to deal more completely with the question another year.

Bill *passed*.

#### BANKERS BOOKS EVIDENCE BILL.

(The Lord Aberdare.)

(NO. 159.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD ABERDARE, in moving that the Bill be now read the second time, said, its object was to facilitate the proof of transactions, according to bankers' ledgers and account books in legal proceedings. The Bill accordingly provided, first, that entries in such books should be admissible in all legal proceedings as *prima facie* evidence, on affidavit by a partner or manager that such entries had been made in the usual course of business; secondly, copies of such en-



tries might be admissible on affidavit by a person who had examined them, that such copies were correct—in which case the originals need not be produced; and thirdly, on application of any of the parties the Court might order that such party be at liberty to inspect and take copies of any such entries relating to the matters in question.

THE LORD CHANCELLOR said, he had no objection to the principle of the Bill; but before it was finally passed, it would be necessary to have an accurate definition of what was a "banker," within the meaning of the Bill; otherwise the books of private firms might be brought within its operation.

Motion agreed to; Bill read a second time, and committed to a Committee of the Whole House on Wednesday next.

#### POOR LAW AMENDMENT BILL.

(The Lord President.)

(NO. 150.) COMMITTEE.

Order for Committee read.

EARL FORTESCUE expressed his regret that owing to indisposition he had been unable to be present on the second reading. He now wished to express his general approval of the Bill, and his hope that Her Majesty's Government, encouraged by the success which had attended their efforts to codify the sanitary legislation of the country, would persevere until they had reduced to order and system the chaotic mass of Poor Law legislation which had accumulated since the passing of the new Poor Law in 1834. He would remind their Lordships that in the discussion on the second reading, the question was raised by several noble Lords as to the expediency of making Unions coterminous with counties. A Return when presented to Parliament in 1869, showed that out of 760 Unions in England, 590 were wholly in counties, and 170 were as to their great bulk in the counties—that was to say, not comprising more than a few parishes which were in two or more counties. The question of having Unions coterminous with counties would be a very difficult one to deal with. He thought the powers proposed to be conferred on the Boards of Guardians by the clauses comprehended under the division of "Poor Law Amendments" were so many steps in the right direction.

*Lord Aberdare*

House in Committee.

Clauses 1 to 32, inclusive, *agreed to*, with Amendments.

EARL FORTESCUE moved, after Clause 32, to insert a new clause, having for its object the granting of medical relief, in urgent cases of accident or disease, on loan—that was to say, where the circumstances of the family or individual were not fully known at the time, the Guardians should pay for the medical relief, and obtain payment when the person or family relieved could afford to discharge the debt. Now, if a relieving officer gave an order for medical relief, and the Guardians did not afterwards sanction it, the medical practitioner could sue the relieving officer for the debt, and that became a matter of great hardship. The course which he now proposed would prevent many persons from becoming pauperized.

*Moved*, after Clause 32 to insert new clause—

"Where medical relief is granted on loan, the guardians may declare that the same is so granted, and they may recover from the person to whom such relief is granted the reasonable cost of the same as if it were money relief granted on loan."

THE DUKE OF RICHMOND AND GORDON said, that he could not accept the clause, as he thought the present law enabled the Guardians to do all that was necessary.

THE EARL OF KIMBERLEY thought that many persons now obtained medical relief, who were perfectly well able to pay for the advice and medicine given.

After some discussion, in which Lord HENNIKER, Lord WINMARLEIGH, and Lord EGERTON of TATTON took part,

THE DUKE OF RICHMOND AND GORDON was understood to say that though he would not promise that any alteration in the clause could be made, yet he would before the Report consider the question again, and see whether anything could be done.

Amendment, by leave of the Committee, *withdrawn*.

EARL FORTESCUE moved to insert another new clause—

"All medical or other relief given or ordered by the relieving officer or overseers in cases of emergency during the interval between the meet-

ings of the board of guardians shall be deemed to have been given on loan and be recoverable accordingly, unless either disallowed or allowed as relief by the board of guardians at their first or subsequent meeting.'

THE DUKE OF RICHMOND AND GORDON said, he objected to the clause on the same ground as he had objected to the previous one—namely, that the Guardians had now full power to do everything which the Amendment would enable them to do.

Amendment, by leave of the Committee, *withdrawn*.

Remaining Clauses *agreed to*, with Amendments.

The Report of the Amendments to be received on *Thursday* next, and Bill to be *printed*, as amended. (No. 181.)

#### CLEAN RIVERS BILL [H.L.]

A Bill for making further provision against the pollution of rivers hitherto free from pollution—Was *presented* by The Earl of DONCASTER; read 1<sup>a</sup>. (No. 182.)

House adjourned at half past Seven o'clock, till To-morrow, Eleven o'clock.

## HOUSE OF COMMONS,

*Monday, 17th July, 1876.*

MINUTES.]—New WRIT ISSUED—For the Eastern Division of the County of Kent, *v.* Sir Wyndham Knatchbull, baronet, Chiltern Hundreds.

PUBLIC BILLS—*Ordered*—Waste Lands and Peasants Dwellings (Ireland) \*.

*Second Reading*—Winter Assizes \* [245]; Exhausted Parish Lands \* [252].

*Select Committee*—Metropolis Gas (Surrey Side) \* [204], *nominated*; Arklow Harbour Improvement \* [199], Sir George Balfour *added*.

*Committee*—Elementary Education [155]—*R.P.*; Crossed Cheques [112]—*R.P.*

*Committee—Report*—Provisional Orders (Ireland) Confirmation \* [220]; Elementary Education Provisional Orders Confirmation (Hailsham, &c.) \* [223]—(Hornsey) \* [224].

*Withdrawn*—Ecclesiastical Assessments (Scotland) \* [106]; Clerk of the Peace and of the Crown (Ireland) \* [119]; Civil Bill Courts (Ireland) \* [82].

VOL. CCXXX. [THIRD SERIES.]

## ARMY—VETERINARY DEPARTMENT.

### QUESTION.

MR. STACPOOLE asked the Secretary of State for War, If it has been decided whether the appointment of Principal Veterinary Surgeon in the Army is to be held for life, or only for a limited period like other Staff appointments in the Cavalry, which are held for five years; and, when he will be prepared to produce the new warrant relative to the Veterinary Surgeons which has been so long delayed?

MR. GATHORNE HARDY, in reply, said, that it had been decided that the Principal Veterinary Surgeon should be appointed for seven years, the same as the Director General of the Army Medical department.

## THE RAILWAY PASSENGER DUTY.

### QUESTIONS.

MR. MACDONALD asked Mr. Chancellor of the Exchequer, If his attention has been drawn to the following paragraph in the Report of the Select Committee on the Railway Passenger Duty, which states:—

"Your Committee regret that for so long a period no steps were taken to obtain an authoritative legal decision on a point so critical and important, especially as by this omission a considerable sum has been lost to the Public Revenue;"

whether the sum there mentioned amounts to several millions sterling; whether it was with the authority of the Treasury that the Board of Inland Revenue did not collect the money that became due as Railway Passenger duty by the judgment of the House of Lords; whether the Commissioners of Inland Revenue did not overstep their duty when they took upon themselves to remit and rebate taxes legally due; and, if any steps have been taken by the Government to ensure that there will be no remission of taxes without the consent of Parliament?

MR. MACDONALD also asked Mr. Chancellor of the Exchequer, If it be the intention of the Government to take any action this Session on the recommendations contained in the Report of the Select Committee on the Railway Passenger Duty which has been presented to the House; and, if not, if the present mode of assessment of the Duty is to be

continued, or if the Duty is to be assessed in accordance with the judgment of the House of Lords; and, whether the inspection and audit of the accounts of the Railway Companies of Great Britain, as carried on for the last seven years by an accountant of the Inland Revenue Department, as stated in the evidence of Mr. Rickman before the Select Committee, is still being carried on by that office; if not, what is being done in the matter?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, his attention had been called to the paragraph in the Report of the Select Committee on the Railway Passenger Duty, from which a passage was quoted in the Question of the hon. Member. The paragraph as it appeared in the Report of the Committee was fuller than that introduced by the hon. Member into his Question, for it ran thus—

"Especially as by this omission either a considerable sum had been lost to the public revenue, or Parliament had been deprived of an earlier opportunity of dealing with the subject."

He observed that these words were adopted not unanimously, but no doubt by a considerable majority of the Committee. He had not yet had the opportunity of seeing the evidence on which the paragraph was founded, and he apprehended it would be impossible for him to give a positive answer or to discuss the question until they saw the evidence. With regard to the second Question, he was unable to say whether any public money could properly be said to have been lost at all. Certainly he was unable to say, if any sum had been lost, that it amounted to several millions sterling. He believed the fact shortly was this—some 30 years ago an exception was granted from railway duty to railway passenger trains fulfilling certain conditions. There was no idea for many years that those conditions were not fulfilled by trains failing to stop at every station. From the year 1844 to 1867 the tax was remitted on a number of trains only. If the tax had been exacted from all trains, no doubt the duty would have amounted to a considerable sum; but he was informed that the amount which might under any circumstances have been received would not in any case have amounted to the sum the hon. Member seemed to suppose. He asked—

Mr. Macdonald

"Whether it was with the authority of the Treasury that the Board of Inland Revenue did not collect the money that became due as Railway Passenger Duty by the judgment of the House of Lords?"

The Board of Inland Revenue were advised that they had no power to collect that duty; at all events, they never asked the authority of the Treasury on the subject. Certainly, whatever might be the legal point in question, it would be inequitable to call on shareholders of the present day to pay money that might possibly have been demanded from shareholders some years before. With regard to the intentions of the Government, they waited till they saw the evidence and had time to consider it; but as to the question whether the present mode of assessing the duty was to be continued or a mode in accordance with the judgment of the House of Lords, he had to say that the present mode of assessment was not inconsistent with the judgment of the House of Lords. He was unable to give any answer to the latter part of the hon. Member's last Question. He did not know what evidence Mr. Rickman had given.

#### TURKEY—ALLEGED ATROCITIES IN BULGARIA.—QUESTION.

MR. BAXTER asked the First Lord of the Treasury, Whether it is true that the British Consul at Adrianople has made reports, either to Sir Henry Elliot or to the Foreign Office, confirming the accounts published in the "*Daily News*" of the atrocities committed by the Turks in Bulgaria; and, whether it is not a fact that our Ambassador at Constantinople some time ago remonstrated with the Turkish Government in regard to these outrages?

MR. DISRAELI: Sir, if the right hon. Gentleman had asked the Question when he gave Notice of it, it would have been my duty to say that the Consul at Adrianople had made no reports confirmatory of the statements in *The Daily News*, and, consequently, that the Ambassador at Constantinople could have made no remonstrances on the subject. But since Notice was given of the Question we have received intimations of an interesting kind relating to the matter. I promised the House, on a former occasion, when the Government were in possession of authentic information on the

subject, and when we had received answers from Sir Henry Elliot, after repeated inquiries, I would state the result to the House, and I am prepared to do so to-day; but I think, perhaps, it would be more convenient to allow the course of Questions to be proceeded with now, and on moving the Order of the Day I may be permitted to make a statement.

**BRUSSELS—INTERNATIONAL EXHIBITION—SICK AND WOUNDED SOLDIERS.—QUESTION.**

**LORD ELCHO** asked the Secretary of State for War, Whether it is intended to take advantage of the opportunity now afforded by the exhibition at Brussels by Austria, France, Germany, Italy, Russia, and Switzerland, of the latest inventions and appliances for aiding and transporting sick and wounded soldiers in time of war, and send two or more Commissioners to inspect and report to the War Office upon that important International collection?

**MR. GATHORNE HARDY**, in reply, said, that already Professor Longmore had been selected for the purpose, and he intended to associate with him a member of the Hospital Staff.

**EGYPT—IMPRISONMENT OF GENERAL KIRKHAM.—QUESTION.**

**SIR H. DRUMMOND WOLFF** asked the Under Secretary of State for Foreign Affairs, Whether it is true that a British subject named Kirkham was some time ago detained by the Egyptian authorities at Massowah on his way from Abyssinia to England; whether he is still imprisoned without trial; whether there is any prospect of his release; and, whether Her Majesty's Government will lay upon the Table any Correspondence which has taken place on the subject? He might add, that since he came down to the House he had heard it reported that General Kirkham died recently.

**MR. BOURKE**: Sir, in the beginning of June it came to the knowledge of Her Majesty's Government that the British subject alluded to in the Question of the hon. Member was imprisoned at Massowah. He is better known under the name of General Kirkham, late

Commander-in-Chief of the Abyssinian Army, and was taken prisoner by the Egyptians last spring, being at that time engaged in hostilities against the Egyptian Army. At the time that Her Majesty's Government were first informed of his imprisonment, they were also informed that he was suffering from alleged harsh treatment by the Egyptian officials at Massowah. Under those circumstances Her Majesty's Government brought these facts to the notice of the Egyptian Government, and on the 6th of June Cherif Pasha assured our Consular authority in Egypt that there was no foundation whatever for the statement that General Kirkham had been treated with any harshness; that he was supplied with everything that was necessary for his comfort, and allowed to take exercise in the open air, and the confinement to which he is subjected is no stricter than is necessary to prevent his communicating with his political and military allies and associates. As to the second part of the Question, being taken prisoner of war, he would, I conclude, not be subject to any trial. Whether there is any prospect of his release I am unable to say at present. If my hon. Friend would like to see the correspondence he is welcome to do so, but I do not think that any advantage would accrue to General Kirkham by its being made public. I regret to hear that Kirkham has lately died, but Her Majesty's Government are in no way to blame for it.

**NAVY—H.M.S. "VANGUARD."**

**QUESTION.**

**CAPTAIN PIM** asked the First Lord of the Admiralty, Whether he will add to the Return, "Navy (Loss of the Vanguard), No. 98, I.," ordered by the House on the 14th March, an amended Return, containing a plate illustrating the "Wing Passage Bulkhead: its purposes and uses," and other information as originally ordered, provided he is satisfied that it will not be necessary to hire a special artist and to go to great expense for copper plates?

**MR. HUNT**, in reply, said, if the hon. and gallant Member would call on him at the Admiralty, he would see what could be done in the way of accomplishing the object desired in the Question.

UNITED STATES — INTERNATIONAL EXHIBITION, PHILADELPHIA—THE BRITISH COMMISSION.—QUESTION.

MR. M'CARTHY DOWNING asked the Vice President of the Council, Whether it is the fact that the representatives of some of the principal journals of Germany and Belgium at Philadelphia have refused to describe any of the British or Colonial exhibits on the ground of want of information and courtesy at the British Commission Office; and is the Government aware that dissatisfaction is felt by British and Colonial exhibitors at Philadelphia with the management of the arrangements and conduct of the office under the control of the British Commissioners; and, if so, whether it is their intention to remodel the constitution of the Commission, or take other means to remove the causes for dissatisfaction?

VISCOUNT SANDON: Sir, in consequence of the hon. Member's Question I caused inquiries to be made at the various Government Departments concerned in the matter, and no information has reached the Privy Council, the Foreign Office, or the Colonial Office which would support the allegations made in the Question of the hon. Member.

ARMY—PATENTED INVENTIONS—SMALL ARMS.—QUESTION.

SIR WALTER BARTTELOT asked the Surveyor General of the Ordnance, Whether the decision of the House of Lords of the 11th instant in the case of Dixon versus the London Small Arms Company, that the Crown is excluded from the free use of patented inventions, except within the manufactories and departments of the Crown, will not practically limit the supply of small arms to those made at the Royal Factory at Enfield; and, whether the resources of that manufactory are not utterly inadequate to the wants of the Country in case of any great emergency?

LORD EUSTACE CECIL: I am advised that the decision of the House of Lords only precludes the Crown from the free use of patented inventions. But this does not prevent the Crown from obtaining arms by contract, provided the Crown pays the usual Royalties. 2. The resources of the Government Factory at

Enfield are quite equal to any emergency that can be foreseen. I may remind my hon. and gallant Friend upon this question of that which I stated upon the Estimates—namely, that at the close of the financial year we shall have about 376,000 Martini-Henry rifles out of a total of 891,000 breech-loading arms.

TURKEY—CONSULAR MEMORANDUM ON HERZEGOVINA.—QUESTION.

MR. EVELYN ASHLEY, quoting a published despatch from Mr. Consul Holmes, which promised further observations on the grievances of Herzegovina, asked, Whether those further observations had been received?

MR. BOURKE: No, Sir; Mr. Consul Holmes has not sent any such observations as those alluded to by the hon. Member for Poole. I have no doubt that he was prevented from doing so by press of business; but in October Consul Holmes sent a Memorandum upon the affairs of Herzegovina through Sir Henry Elliot, and, if the hon. Gentleman will wait a few days, he will see that Memorandum in the Papers which will be presented to Parliament very shortly.

SEAL FISHERIES ACT, 1875 — CLOSE TIME.—QUESTION.

SIR JOHN LUBBOCK asked the President of the Board of Trade, Whether arrangements have yet been made by which the Provisions of the Act of 1875, establishing a close time for the Seal Fishery, shall be carried into effect next year?

SIR CHARLES ADDERLEY: Sir, the provisions of the Act of last year were to empower the Queen, by Order in Council, to make a close time for seal fishing when it appeared that the foreign States engaged in the same fishery did the same. Her Majesty's Government put themselves immediately in communication with the three foreign Governments concerned. The Norwegian Storting have passed a law practically similar to our own. The German and Dutch Governments have Bills prepared for the establishment of a close season, but we have not yet received information of their becoming law. The consequence is that nothing further can be

done in the matter until those countries establish the needed restrictions by law.

#### ECCLESIASTICAL ASSESSMENTS (SCOTLAND) BILL.—QUESTION.

**MR. M'LAREN:** I beg to ask the Secretary of State for the Home Department a Question of which I have given him private Notice. He was understood to say the other night that the Ecclesiastical Assessments Bill would be proceeded with to-night, and I now wish to ask whether it is the intention of the Government to proceed with the Bill this Session?

**MR. ASSHETON CROSS:** I regret very much that my answer the other night was misunderstood. What I meant to say, and what I believe I did say, was that I should be prepared to-night to state what the Government intended to do as regarded that Bill; and I may now say that, as I see no chance of the Bill passing this Session, I think it will be better to withdraw it.

#### LISBON TRAMWAYS COMPANY—TWY-CROSS v. GRANT.—PERSONAL EXPLANATION.

**LORD HENRY LENNOX:** I rise, Sir, under feelings of considerable difficulty to ask the House of Commons to give me a measure of their indulgence while I allude to a personal matter deeply affecting myself and my position in this House. I will try to make as short a statement as I can; and I never should have brought myself or my affairs before the House of Commons had it not been that on a very recent occasion one of the most distinguished men and one of the most distinguished Judges of the land, while summing up the evidence in a recent financial case, alluded to the conduct of a certain body of gentlemen, of whom I was one, and distinctly stated that their conduct, in his opinion, required explanation, and he hoped, if they had any explanation, it would be given, for it was needed. Sir, I hope that before I sit down what I shall be able to show to the House will be as satisfactory to the noble and learned Lord and to this House as it certainly is to my own conscience. I need not say more than that I am alluding to the now celebrated Lisbon

pany at the solicitation of the Duke de Saldanha, and in consequence of my knowledge of Portugal, of Lisbon, and of the country generally. All that was told me was that I was to have as my colleagues a very distinguished body of men, including, among others, the then Chairman of the Union Bank of London and the then Chairman of the London and South Western Railway, and that our fees were to be £100 sterling per annum. I beg to say, Sir, that I knew nothing whatever of the preliminary contracts, agreements, or other arrangements which it now appears were made between the promoters of the company and the Duke de Saldanha and the contractors. I have letters in my pocket which I could produce, but I know that my word will go as far as the letters, in which every one of these gentlemen distinctly states that neither directly nor indirectly had I the slightest knowledge of any one of these agreements, contracts, &c., which have been the subject of discussion in a Court of Law; and, more than that, Sir, I can say I had never seen the contractors until I joined the Board, and I never saw Mr. Grant, the principal promoter, from the time of his leaving the House of Commons until after the prospectus was issued. Here do not let me be supposed to be throwing a stone at Mr. Grant in the time of his difficulties; I am merely stating it as a fact to show that there was no personal communication whatever between me and the promoters of the company until I formally took my seat on the Board as a director at £100 a year. The next point I will run over as quickly as I can, because I know I am trespassing upon the goodwill of the House. I have had a seat in this House 30 years, and I prize very much the esteem and goodwill of every Member of it. Lord Chief Justice Coleridge, in the undoubted exercise of his right, commented, though not so strongly as other Judges have done, upon the practice of directors receiving qualification shares. I received my qualification shares—100, and of these I returned 50 when I left the Company. I assure you beyond that, that I invested my own money in 300 shares of the Company. I am not here to defend now, according to present views of the matter, the system of qualifying directors; but I do think I may fairly say that at that time—and it is

five years since these transactions occurred—the practice was well known to every hon. Member of this House, that no objection was ever made to it, and it was considered to be the ordinary way of remunerating directors. I have to state, in addition, that with the exception of those 100 shares, which I did not know were furnished by the contractors—and I have a letter from the contractors, Messrs. Clark and Punchard, saying that I could not know it—that except these 100 shares I never received any money payment, shares, or remuneration whatever, direct or indirect, for my position on that Board, and I am a large loser by the non-success of the Company. Now, Sir, the next point the noble and learned Lord made—and he spoke most strongly—was contained in these words—

“How, after the engineer's report and Mr. Grant's urgent letters requesting that the money should be returned for the line, he really could not understand the conduct of the directors, and that conduct required explanation.”

I entirely agree with the Lord Chief Justice that if the directors had received Mr. Grant's urgent and, as the Lord Chief Justice called them, manly letters requesting them to discontinue the line and return the money to the shareholders, and had then gone on with the line, that their conduct would have required explanation which it would have been difficult to give. But I hold in my hand a letter from Mr. Punchard stating in the most solemn manner that these letters of Mr. Grant were never laid before the Board of Directors at all, and that I could not have known anything of the matter. More than that, these manly letters, as the Lord Chief Justice called them, which Mr. Grant wrote, were not at all written with reference to the line which the directors went on with, which they ultimately carried out, and which was worked for a year and a-half. I say this distinctly, and in so many words—that Mr. Grant's letters were never seen by the Board of Directors. They were a protest against the engineer's, Mr. Trevethick's, remarks on the Cascaes line, where the gradients were bad, and the distance round to Cintra from Lisbon was doubled. The line actually carried out was one the concession for which was obtained by the Duke de Saldanha, and which was in a straight line from Lisbon to Cintra.

*Lord Henry Lennox*

The directors did more than that, for, having altered the route from that laid down in the prospectus, they issued a circular to the shareholders saying what they intended to do and asking for their approval, and that request and demand were ratified by a general meeting two months afterwards at the Company's offices. Sir, I only wish to say that I make this explanation to-night as an independent Member of the House. Feeling and knowing that there was a feeling that I have been mixed up with practices with which I ought not to have been mixed up, five years ago, I felt that the most honourable, the most straightforward, and the most manly conduct that I could pursue was to place my resignation of the high office which it has been my privilege to hold for three years in the hands of the Prime Minister, and patiently to await any attacks that came from any part of this House. I will only say, in conclusion, that deeply as I regret the loss of my position at the Board of Works, I would willingly yield up that or any other post of high trust, so long as I can continue to enjoy the esteem and goodwill of this great Assembly, in which the better part of my life has been passed.

MR. DISRAELI: Before I avail myself, Sir, of the permission of the House to speak on the Order of the Day on the subject to which I have adverted, I wish to refer to the remarks made by my noble Friend. I think it due to him and to the House to say that all I know of this affair is that I received a written intimation from an hon. Gentleman who sits opposite that it was his intention to make certain charges against my noble Friend to-day. I have had no authentic statement of any charges against my noble Friend, and having confidence in his honour and conduct, I have never credited them. But I felt it was my duty, under the circumstances, to communicate to my noble Friend that I had received this intimation, and I left him to consider what course he would take. My noble Friend, with that delicacy which the House will appreciate, said these things had happened five years ago, when he was not a Member of the Government, and he wished to defend his conduct as one who was not now a Member of the Government. <sup>It that it would</sup> be a posi <sup>story to him if,</sup>

as an independent and private Member, he vindicated his conduct, and therefore he tendered me his resignation. I have been present in this House to answer the Question the Notice of which was given to me privately, but that Question has not been put to me to-night. The House has heard the statement of my noble Friend, and, without misinterpreting the feeling of the House, I think it is one not unworthy of himself. I have no wish to precipitate any decision on the subject at this moment, but I could not reconcile it to my own feelings not to say these few words.

MR. TREVELYAN: So much has passed in letters not marked "private" between myself, the right hon. Gentleman who has just spoken, and the noble Lord who has likewise addressed the House, in a manner so creditable, I must say, to his feelings, that I would rather not leave this matter without explanation to the chance gossip of the Lobbies. Therefore, I will just say this—that the right hon. Gentleman has slightly misunderstood the letter I addressed to him. I did not say in that letter that I was prepared with any charges against the noble Lord, or that I would put the Question to the right hon. Gentleman to-day. I felt that in a matter of such extreme delicacy the main object of every one who wished to approach it as a public man should be to give the Government the power of acting first in the matter. So on Friday I wrote a private letter to the right hon. Gentleman informing him that I should to-day—not put a Question to him, but give public Notice of a Question of certainly a most open nature. The Question, which I do not happen to have in my pocket, was, so far as I recollect, to ask the First Lord of the Treasury what course he proposed to pursue in consequence of the facts affecting the Chief Commissioner of Works which had been brought to light during the proceedings of the trial "*Twycross v. Grant*?" It was never my intention to press the noble Lord, as the right hon. Gentleman has mistakenly understood, by putting that Question without first of all a long private and then a long public Notice. Of course, after what has passed, I shall enter into the case further, but I can assure the right hon. Gentleman that it is a case susceptible of two colours. That which is put upon it by those

who regard it only from a public point of view. That was the case with myself, for I never even heard of the Lisbon Tramways Company until two months ago, when I read of it in *The Times*, and when I determined as a public man to go to the bottom of the business. There is also the colour most naturally put upon it by the noble Lord who was concerned in it, and who, I think, yielded, I will say in some excess, in some cases to indiscretion and imprudence. I had, I can assure the right hon. Gentleman, good reason for calling the attention of the House to this matter, for the result which I expected has been that which has been brought about. I thought it was necessary to press for that result as a tribute to public morality, and, as that result has been brought about, I shall not say one additional word.

#### TURKEY—ALLEGED ATROCITIES IN BULGARIA.

##### MINISTERIAL STATEMENT.

MR. DISRAELI: Sir, before I read to the House the despatches that have been received by the Government from Sir Henry Elliot since the Question of which Notice was given by the right hon. Gentleman the Member for Montrose (Mr. Baxter), with the indulgence of the House I should wish to make, in as condensed a shape as possible, a reference to certain previous circumstances, as otherwise they will be unintelligible. I will endeavour to do that with the utmost brevity possible, and with the wish to avoid all controversial matter; but it is necessary that the House should understand what is the opinion of the Government, formed on the best information they have in their possession, as to the origin of those disturbances in Bulgaria that have led to these terrible deeds. The first information received by the Government was in a series of despatches received May 15th from Sir Henry Elliot at the outbreak of these disturbances, and was as follows:—

"On the 4th of May Sir Henry Elliot reported that an outbreak had occurred at the village of Otloukeni, not far from Philippopoli, and that it was known that revolutionary agents were working actively among the Bulgarians, and that arms and ammunition had been introduced in considerable quantities. On the 7th of May the Turkish Government at once despatched 5,000 troops to the spot, and there is



little doubt that the leaders were Servians and other emissaries of the Revolutionary Committees."

That was the statement of Sir Henry Elliot; but this was the statement of M. Dupuis, our Consul at Adrianople, the nearest Consulate to the scene of disturbance, upon the matter to which the Question of the right hon. Member for Montrose referred. M. Dupuis reported—

"That the organizers of the movement were pursuing the same atrocious policy as was followed in Herzegovina by burning and ravaging all villages, whether Mussulman or Christian, if the inhabitants refused to join them."

"The Austrian Consular Agent at Philippopoli reported that five villages had been burnt by the insurgents."

"On the 9th of May, Consul Reade, Rustchuck, reports that a Circassian village—this is important to notice—near Avratalan had been burnt, and the Circassians were sure to take their revenge. On the 12th of May Consul Dupuis reports that the local authorities, as well as the Turkish Boys, were enrolling Bashi Bazouks and other volunteers, and that the burning by the insurgents of the village called Bellova seems to have been attended by horrible cruelties to the small Turkish Guard in charge of the place, who, being overpowered, were hacked to pieces by the insurgents. He also reported that he had heard from the Greek Consul that the Greeks in Philippopoli united with the Turkish Guards to maintain order and to repel any attempt on the place by the insurgents. Consul Reade also reported that the discipline of the Turkish troops was admirable."

That is the origin, so far as the Government have authentic information, of the atrocities in Bulgaria. It is necessary for various reasons, as we shall see, that the House should be acquainted with these events, because I must ask the House to consider first who were these Circassians, who, no doubt, perpetrated great atrocities, and whose conduct has been retaliated upon and revenged in the same spirit. The Circassians are described in the public journals, and I know in conversation, as irregular troops of the Turkish Government; but the fact is, they are not irregular troops of the Turkish Government, or of any other Government. They are the men, or the descendants of the men, who 20 years ago commanded the sympathy and admiration of the House of Commons. They are men who, at the Treaty of Paris, a very strong Party in the House of Commons, consisting of Members of both sides of the House, believed were extremely ill-treated by the English Government in

particular. In consequence of their country being yielded up to Russia, a great proportion of the population refused to live under the Russian Government, and appealed to their Suzerain, then the Sultan, to give them lands in part of his dominions. In consequence there was a considerable migration of the population, and they were portioned out in various parts of Turkey, not only in Europe, but in Asia. These men have lived peaceably for 20 years. Their conduct has been satisfactory, and there has been no imputation on them of savage or turbulent behaviour. They have cultivated farms and built villages, and during the whole period I think there has been no complaint of these men. But we know, of course, what Eastern populations are, and the Circassians are a courageous and an armed population. Naturally, therefore, if their villages were burnt and their farms ravaged, it need not be a matter of surprise that they should take matters into their own hands and endeavour to avenge themselves. It is necessary that the House should be made aware of that. There prevailed there a guerilla warfare of local vengeance and personal passion, and there is no doubt that from that time, which was towards the end of May, scenes took place during this guerilla warfare of a description from which, with our feelings, we naturally recoil. But all this time, no doubt, our Consuls—and the House will soon have ample evidence of the fact—were in communication with the Ambassador, and the Ambassador was—I will not say remonstrating constantly with the Turkish Government, for the Turkish Government were most anxious to be guided by the advice of the British Ambassador, but he was using his influence with the Turkish Government to prevent, as much as he possibly could, these distressing scenes. The Grand Vizier said to our Ambassador that—

"It is impossible to add to the stringency of the instructions he had sent to put an end to the disorders, and to disarm the Circassians, the Imperial authorities being ordered to do that by force, if they resisted, but that he (the Grand Vizier) noticed the omission of all mention of the horrors practised on the Mussulmans by those who had attempted to get up the insurrection."

There is no doubt, from the evidence before the House, that acts on both sides, as necessarily would be the case under

such circumstances, were equally terrible and atrocious. Now, previously to this declaration of the Grand Vizier, Sir Henry Elliot said on the 16th of June that the Bulgarian insurrection appeared to be unquestionably put down, although he regretted to say with cruelty, and, in some places, with brutality. He said—

“I am not disposed to accept the accounts which come from the sources to which it would not be difficult to trace the origin of the movement, which are exaggerated to a degree which must deprive them of the slightest credit; but there is evidence that the employment of Circassians and Bashi-Bazouks has led to the atrocities which were to be expected.”

I have now stated to the House the origin of this insurrection, and given a general view of what subsequently occurred until the day on which the statement appeared in the newspaper which has been referred to in the Question of the right hon. Gentleman—namely, Monday, the 26th of June. The accounts of the Consuls which will be seen by hon. Gentlemen and the conduct of our Ambassador with regard to the Porte, which also will be made known to them in detail, are, no doubt, the results of a distressing state of affairs which a guerilla warfare in such a country and among such people must always furnish; but there was nothing in those accounts which at all justified the statements that appeared in the public Press, and which are the foundation of the Question of the right hon. Gentleman. On Monday, the 26th of June, the Duke of Argyll called attention to the first statement in *The Daily News*. I will not read that statement, because hon. Gentlemen are generally familiar with it and it is of considerable length. In the Blue Book it occupies many pages of print, and therefore I think it would be inconvenient if I were to read it *in extenso* on the present occasion. The statement is dated from Constantinople. It was headed “Moslem Atrocities in Bulgaria,” and it announced that 30,000 inhabitants had been slain, that 100 villages had been destroyed, that girls had been burnt alive, and that there had been a massacre of the children in the school-houses. A statement appeared the same day in another paper of equal authority—*The Times*—in which we were told that 10,000 persons were in prison and enduring torture. [Mr. W. E. FORSTER: That was a fortnight after.] It was not

after the Question was put to me. It was also said that 1,000 girls had been sold in open market. The consequence of this was that inquiries were made in both Houses of Parliament, and, immediately after the Question was put by the Duke of Argyll, Lord Derby telegraphed to Sir Henry Elliot. After he had telegraphed, however, there appeared in *The Daily News* an additional article, which occupies seven or eight printed pages in the book. Thereupon Lord Derby wrote a despatch, which, if the House will permit me, I will read, because it contains the cream, the pith of the statements in *The Daily News*, as they were put before our Ambassador by Lord Derby asking for inquiry—

“The Earl of Derby to Sir Henry Elliot.

“Foreign Office, July 13, 1876.

“Sir,—With reference to my despatch, No. 501, of the 28th ultimo, I enclose, for your Excellency’s information, additional extracts from the “Daily News” of the 8th and 10th instant, reporting the occurrence of further atrocities in Bulgaria and elsewhere, and I have to inform your Excellency that this matter has been again under discussion in both Houses of Parliament. It is stated that in the district of Philippopoli alone 25,000 innocent lives have been taken, whilst by others the number is fixed at about 12,000. It is reported that upwards of sixty villages have been pillaged and burnt, and the inhabitants reduced to beggary and starvation. Large numbers of Bulgarian girls and children are said to have been sold publicly as slaves at Philippopoli and elsewhere, and numbers of Bulgarians to have been undergoing torture in prison. In one instance, where the fugitives fled for protection to a convent near Novo Selo, 40 girls were seized, violated, and subsequently burnt alive in a straw-loft. Similar atrocities are reported to have occurred at Gabrovo and other places, with the connivance, in many instances, of the Turkish authorities. I have to instruct your Excellency to report to me how far reliance is to be placed in these statements. Your Excellency has already on different occasions remonstrated with the Porte against the employment of Circassians and Bashi-Bazouks, to whom many acts of cruelty have been ascribed, and Her Majesty’s Government desire that you should, whenever you have reason to believe it necessary, urgently impress upon the Porte to see that its irregular forces are kept from committing atrocities which discredit the Ottoman cause. Her Majesty’s Government trust that the reports which have been circulated, and to which I have referred in this despatch, will prove to be unfounded. In a conflict such as is now taking place in European Turkey, it is, unhappily, almost inevitable that acts of unnecessary violence and bloodshed should at times occur, and should give rise to reprisals on the other side. But the Porte will not deny that it

is the duty of a civilized Government to use its utmost endeavours for the repression of such barbarities on the part of its own forces. The emergency of the moment or the nature of the country may render the employment of irregular troops a matter of necessity; but, unless these are kept under proper control, it is probable that the indignation which will be roused throughout Europe by the accounts of cruelties and outrages, and the sympathy felt for the inhabitants of the oppressed districts, may go far to counter-balance any material successes which the use of such undisciplined levies may secure. Her Majesty's Government feel, therefore, that they are acting in the interests of Turkey herself, no less than in those of humanity, in warning the Porte against the toleration of acts committed by its troops which would arouse the reprobation of the civilized world."

The House will observe that I am now trying to put before them the statements which appeared in *The Daily News*. I have given the pith of the first statement in *The Daily News*, and I have allowed the House to collect the pith of the second statement from this despatch of Lord Derby. I will now proceed to read the further statements which were made by *The Daily News* before we recently communicated with Sir Henry Elliot. After the two long communications to which I have been referring there appeared the following in *The Daily News* of July 10th:—

"(By Submarine Telegraph.)

"(From our own Correspondent.)

"Paris, Sunday night.

"A Vienna telegram, dated this day, published by the 'Courrier de France,' says:—

"A horrible massacre of Christians, lasting two days, has just occurred at Gabrovo and surrounding villages. There were upwards of 10,000 victims. The Turk sent from Constantinople to direct the slaughter is Ibrahim Bey."

On the 13th of July Lord Derby wrote to Sir Henry Elliot as follows:—

"Foreign Office, July 13, 1876.

"I transmit to your Excellency a further extract from the "Daily News," reporting that in the district of Tatar Bazardjik cartloads of the heads of murdered women and children were boastfully paraded as their revenge after each defeat. It is, moreover, affirmed that Bulgarian women are now sold publicly in the streets. Her Majesty's Government are waiting to receive intelligence from your Excellency as to the truth of these reports."

The enclosure in the letter was as follows:—

"Belgrade, Tuesday night.

"In the Tatar Bazardjik district in Bulgaria, the Bashî-Bazonks have, it is said, boastfully paraded cartloads of heads of murdered women

and children. These exhibitions are their revenge after each defeat. Young women are now, it is affirmed, regular articles of traffic, being sold publicly in the villages by the Tartars and the Turks."

There was one more telegram which appeared in *The Daily News* of the 13th of July, and Lord Derby at once telegraphed to Sir Henry Elliot as follows:—

"Foreign Office, July 13, 1876, 3 40 P.M.

"The following appears in the "Daily News" of to-day:—

"Belgrade, Tuesday night.

"In the Tatar Bazardjik district in Bulgaria, the Bashî-Bazonks have, it is said, boastfully paraded cartloads of heads of murdered women and children. These exhibitions are their revenge after each defeat. Young women are now, it is affirmed, regular articles of traffic, being sold publicly in the villages by the Tartars and the Turks."

"It is very important that Her Majesty's Government should be able to reply to the inquiries made in Parliament about these and similar statements of atrocities. Inquire by telegraph of the Consuls, and report as soon as you can."

The right hon. Gentleman opposite (Mr. W. E. Forster) pressed me more than once on that subject, and very properly so; but he will see from what I have read that there never was any delay on the subject on the part of Her Majesty's Government. I will now read the despatches which have come from Sir Henry Elliot in reference to this matter. I wish first to explain, however, that when I stated that we had not received any despatches from our Vice Consuls referring to statements in *The Daily News*, of course I did not allude to despatches received since our last telegram. This is Sir Henry Elliot's letter, dated, as the House will see, on the 6th, and received on the 14th, and it includes the statements of the Vice Consul, which I will not read as the House will have them in their hands so soon—

"Therapia, July 6, 1876.

"My Lord,—I have the honour to enclose two despatches from Mr. Vice Consul Dupuis upon the present state of Bulgaria, and the excesses committed in the suppression of the insurrection. Those have unquestionably been very great, as was inevitable from the nature of the force which the Porte was, in the first emergency, obliged to employ, but it is equally certain that the details which have been given, coming almost exclusively from Russian and Bulgarian sources, are so monstrously exaggerated as to deprive them of much claim to attention. Cases of revolting cruelty have been mentioned in such a circumstantial

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manner as to make it almost impossible to doubt this truth, but which proved on investigation to be entirely fictitious; and, without impartial agents on the spot, I am unable to say more than that I am satisfied that, while great atrocities have been committed, both by Turks upon Christians and by Christians upon Turks, the former have been by far the greatest, although the Christians were undoubtedly the first to commence them. I have spoken to one of the most influential Bulgarians upon the subject of the sale of Bulgarian children, to which Mr. Dupuis alludes, and he told me that it had also been reported to him, but that he had been unable to ascertain that anything of the nature of a traffic in them was going on. Many fatherless children had been received both into Turkish and Greek families, but he looked upon them as having been taken chiefly out of charity. I said I had already made representations on the subject to the Porte, and he promised to give me the result of the further inquiries he was making on the subject; but that the Circassians, who have no compunction in selling the children of their own countrymen, would scruple to sell those of the Bulgarians is not to be supposed, and I have not a doubt that many such instances must have occurred. I have already informed your Lordship that very strict orders were given for the disarming of those lawless people, but the operation was found to be extremely difficult, and proceeded but slowly. For weeks past I have never seen one of the Turkish Ministers without insisting upon the necessity of at once putting an end to these excesses, and the answer has been invariably the same. They (the Turkish Ministers) deny that the cruelties have been upon a scale at all approaching to what they are represented; they point out that the horrors committed upon Turkish women and children are passed over in silence; and they plead that they had no alternative but to use the irregular force at their disposal to put down an unprovoked insurrection fomented from abroad, the authors of which are responsible for the sufferings which have been entailed upon both Christians and Mahomedans."

On the same day Sir Henry Elliot wrote again—

"Therapia, July 6, 1876.

"My Lord,—Since I wrote my preceding despatch the Greek Minister has called upon me, and spoke of a Report he had received from his Consul at Philippopoli, where there is no British Consular Agent. This report mentioned a marked improvement in the state of public security, and the disarming of the Mussulmans was being proceeded with. He said the Governor was acting extremely well, but was badly seconded by some of the other authorities. I asked whether any of the Greek Agents in Bulgaria had spoken of children being sold as slaves, and he replied that none of them had spoken of it."

We now come to a telegraphic communication from Sir Henry Elliot, dated "Constantinople, July 14." He says—

"I have been prevented by illness from replying to your Lordship's telegram about cruelties in Bulgaria until to-day. I can add little to the statements in my despatch of the 6th instant. There is no British Consular Agent except at Adrianople, Rustchuk, and Burgas, and they have seldom been able to guarantee the truth of the reports that reached them. There can be no doubt the instigators of the insurrection began by committing atrocities on Mussulmans and burning Bulgarian villages with the view of creating exasperation between the two races. In this they succeeded, and when the Bashi-Bazouks and Circassians were called out, they indulged in every kind of misconduct, killing and outraging numbers of innocent persons. I have not been able to verify the reports of cases of wholesale slaughter which have been brought forward, which come mostly from quarters not entitled to much confidence. A Bulgarian, upon whose statements I have several times made known cases of maltreatment to the Porte, assured me that the accounts published were grossly exaggerated, and he expressly stated that he had no complaint to make of the conduct of regular troops. It, however, appears from other sources that the regular troops have at other times been guilty of great excess. Bulgarian children have certainly been sold, but I cannot find that there has been anything like a regular traffic in them. Until I received your telegram I had heard nothing either of cartloads of heads being paraded, or young women publicly sold, but I will make every possible inquiry. It was supposed here that the abuses had been put a stop to for some time."

Now I have given pretty well to the House, and without any concealment, the general character of the reports. Of course there will be details in some of the Consular reports, but it would be most wearisome for the House to be furnished with them now. The statements in the journals must be examined and compared, and they may be susceptible of various interpretations, but it would be impossible for me at this moment to enter into any discussion of this kind. The whole of the Papers will soon be in the hands of hon. Members. One statement, however, I think I ought to make. I ought to say that in consequence of Mr. Dupuis' despatch, which was the first despatch we had ever had from the Consul at Adrianople referring to cases at all like those related in *The Daily News*, he was ordered immediately to repair to the scene of these outrages. There is one thing which I think is consolatory amid these dreadful circumstances—there appears to be a complete failure throughout in creating anything like a religious war. I cannot trace in any manner that the feeling of religious animosity has prompted, I will not say every deed,

but has prompted the general conduct of the masses of the population on either side; and the last telegraphic despatch which we received on Friday night from Sir Henry Elliot is so remarkable upon this subject that I think it my duty to read it to the House—

"Therapia, July 14, 1876.

"Volunteers are offering themselves in considerable numbers for service against the Servians, and the Christians, both in the capital and in the provinces, are enrolling themselves. It is proposed to give the volunteer corps a flag, on which the crescent and the cross are displayed side by side. Nothing can be more striking in the present crisis than the almost unanimous loyalty shown by the Christians, and the hostility they feel against the Servian aggression."

This despatch gives a different view from the one commonly circulated. I do not want to enter into any discussion now. There will be opportunities for doing so afterwards; but these statements made to Sir Henry Elliot on such high authority, and not as reports sent to him or as the result of his own observation, seemed so remarkable that I thought they ought to be communicated to the House. Without entering into controversial matters, I think I have placed the House fairly in possession of all the information which the Government have received, and which will enable them to form some general idea of what has occurred since the commencement of these terrible scenes, so that when we come, as I suppose we shall, to really discuss the subject, with the ample information which will then be in the hands of hon. Members, they will, at least, have something which will guide them in the investigation of these matters.

#### ELEMENTARY EDUCATION BILL.

[BILL 155.]

(Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Assheton Cross.)

COMMITTEE. [Progress 14th July.]

Bill considered in Committee.

(In the Committee.)

#### Administrative Provisions.

Clause 15 (Supplemental provisions as to certificates of proficiency and previous attendance at school).

On the Motion of Mr. RYLANDS, Amendment made in page 6, line 32, after "Act," by inserting—

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"And such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child."

MR. DILLWYN moved, as an Amendment, in page 6, line 32, after "Act," to insert—

"Such certificates shall be given by Her Majesty's Inspectors of Schools at the examination of each school."

VISCOUNT SANDON said, that the Amendment was a very important one; but as it would to a great extent be provided for in the Code of next year, which would follow the policy of the present one, he hoped the hon. Member would not press his Motion.

MR. DILLWYN said, he was quite ready to withdraw his Amendment on that understanding.

Amendment, by leave, *withdrawn*.

VISCOUNT SANDON moved, as an Amendment, in page 6, at end of line 39, to insert "certificates of age for the purposes of this Act and," for the purpose of showing that they intended to insist upon certificates of age.

Amendment agreed to; words inserted accordingly.

Clause further verbally amended, and, as amended, ordered to stand part of the Bill.

Clause 16 (Certificates of birth for purposes of Act).

MR. BIRLEY moved, as an Amendment, in page 7, line 5, to leave out "one shilling," and insert "sixpence."

VISCOUNT SANDON said, he was informed by his right hon. Friend at the head of the Local Government Board that great resistance would be made by Registrars to the proposed reduction. The fee had already been reduced under pressure from the Education Department.

MR. RYLANDS suggested that the number of certificates being greatly increased, registrars would really have an addition made to their income if the fee were reduced from a shilling to sixpence.

MR. W. E. FORSTER hoped the hon. Member for Manchester would press his Amendment to a division. The question with him was whether they should demand any fee at all.

LORD FREDERICK CAVENDISH appealed to the noble Lord the Vice

President of the Council to concede the point.

VISCOUNT SANDON said, that the last thing he wished was to be hard upon the parents in this matter; but, after what he had said respecting the opinion of the Local Government Board, he felt bound to adhere to the clause as it stood.

THE CHANCELLOR OF THE EXCHEQUER opposed the Motion, observing that the point had been very carefully considered, and they were of opinion that the amount should be that stated in the clause.

MR. MUNDELLA thought a shilling was a heavy charge to be made for the certificate if the parent had to pay it.

MR. MUNTZ supported the Amendment, as in many cases the question of expence was an important matter.

MR. WATNEY thought the certificate should be given gratis.

MR. BIRLEY said, he must carry the question to a division, because the charge would be a heavy one on a working man, and they were already putting him under considerable pressure.

MR. HERMON thought that one shilling was too high a charge, and he hoped it would be reduced.

THE CHANCELLOR OF THE EXCHEQUER said, he should wish to consult the President of the Local Government Board on the subject before consenting to any alteration of the clause in this particular; but he desired to fall in with what appeared to be the very general feeling of the Committee. Perhaps the matter might be allowed to stand over for the present.

After some further discussion,

THE CHANCELLOR OF THE EXCHEQUER proposed that the word "shilling" be struck out of the clause, and that the sum to be substituted for it should be left blank until after he had been able to confer with the right hon. Gentleman the President of the Local Government Board.

MR. BIRLEY said, he had no objection to that course, but he did not pledge himself to be bound by the views of the President of the Local Government Board.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. CHANCELLOR of the EXCHEQUER, Clause *amended* by

striking out the words "one shilling," in page 7, line 5, and leaving the amount in blank.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clause 17 (Penalty for employing a child in contravention of Act).

COLONEL RUGGLES-BRISE moved, as an Amendment, in page 7, line 10, after "Act," to insert "after due warning in writing from the local authority," the object being that in the absence of warning no fine should be enforced against persons employing children in contravention of the provisions of the Act. It was but fair that in this matter employers should be placed upon the same footing as parents of children.

VISCOUNT SANDON opposed the Amendment, as he believed if it were adopted it must lead to very costly machinery to carry it out. Besides, it was really unnecessary. Under one of the earlier clauses of the Bill, the local authority was to give notice to all concerned of the provisions of the Bill, so that employers would have notice.

Amendment *negatived*.

Clause *agreed to*, and *ordered* to stand part of the Bill.

Clause 18 (Provision as to bye-laws under Section 74 of the Elementary Education Act, 1870 (33 and 34 Vict. c. 75), as extended by this Act), *agreed to*, and *ordered* to stand part of the Bill.

Clause 19 (Failure of local authority to perform their duty under this Act).

MR. ISAAC moved, as an Amendment, in page 7, line 31, to leave out "any persons," and insert "registrar of births and deaths of the district, or other persons." He thought that that would be the best possible appointment when so much turned upon the ages of the children.

VISCOUNT SANDON objected to the Amendment as being calculated to fetter the hands of the Department.

Amendment, by leave, *withdrawn*.

Clause *agreed to*, and *ordered* to stand part of the Bill.

Clause 20 (Provision as to requisition of parish.)

MR. KAY-SHUTTLEWORTH proposed the omission of the latter part of

the clause, which was to the effect that the requisition might be accompanied by representations made by resolution as to the nature of the bye-laws desired by the parish, and that in making and approving the bye-laws regard should be had to such representations. He thought it was going quite far enough to delegate the making of bye-laws to Boards of Guardians, and that it was going too far to ask ratepayers in public meeting to decide on these difficult questions. If the matter were left to individual parishes they would in one Union have various inconsistent bye-laws.

Amendment proposed, in page 8, line 17, to leave out all the words after the word "Board," to the end of the Clause.—(*Mr. Kay-Shuttleworth.*)

VISCOUNT SANDON objected to the Amendment, and as to the clause explained that its only effect would be to enable the locality to express its wishes; as, for instance, whether there should be half-time or full-time attendance. Hitherto the school boards had full power to make bye-laws, and the result was there was infinite variety in the manner in which they had exercised the trust.

MR. W. E. FORSTER admitted that the clause called upon the locality to do more than it was required to do at present, and he thought that the section to which the Amendment applied would considerably fetter both the School Attendance Committee and the Department itself. There was no doubt that any representations made by the ratepayers would be felt, and would have their full weight with the School Attendance Committee.

MR. PAGET said, it was only maintaining the individuality of small places.

LORD ROBERT MONTAGU said, school boards were amenable to ratepayers, but all the members of a School Attendance Committee would not be so amenable.

MR. ASSHETON supported the provision.

MR. DILLWYN thought it unworkable.

MR. A. MILLS said, the more local wishes were expressed the better.

LORD FREDERICK CAVENDISH said, that the Education Board would be placed in a strange position if they had to approve of all the various bye-

laws which each separate parish might think fit for itself. The Guardians were quite competent to settle bye-laws without receiving instructions from each one of their vestries. He would ask whether regard was to be had to representations in favour of employing children under 10?

VISCOUNT SANDON said, the 7th clause of the Bill would prevent that. He was afraid that the views of the noble Lord opposite (Lord Frederick Cavendish) was "the old, old story"—the same proposal, in fact, which they had discussed fully earlier in the Committee and negatived—that the Boards of Guardians should be able to override the wishes of the ratepayers. He must adhere to the clause as it stood, and give the ratepayers the power of saying what sort of bye-laws they would have.

MR. BRISTOWE supported the Amendment.

MR. W. E. FORSTER said, he would make a proposition which he hoped would be accepted by the noble Lord. The paragraph as it stood in the Bill went further than the noble Lord intended, and virtually meant that however absurd the bye-laws proposed by the ratepayers were, the Education Department would be obliged to assent to them. He suggested that the clause should read thus—

"And in making and approving bye-laws the School Attendance Committee and the Education Department shall consider the nature of the representations made to them."

SIR CHARLES W. DILKE thought that to adopt the suggestion would be to give up the whole point for which they were contending. Their objection was to any parish meeting being called upon to deal with the details of the bye-laws.

VISCOUNT SANDON thought that it would be as well to adopt the form of words suggested by the right hon. Gentleman; but in his opinion, they were covered by the clause as it stood.

MR. RÔDWELL observed that in all legal proceedings the words "regard shall be had" meant no more than "be duly considered."

THE ATTORNEY GENERAL said, the only question was, whether it was desirable to give the parish meeting authority to make representations as to the

*Mr. Kay-Shuttleworth*

nature of the bye-laws which they required. The Amendment suggested by the right hon. Member for Bradford would make the point clearer, and therefore might be adopted by the Committee.

MR. MUNDELLA said, that if the Education Department were to approve of the representations made by the parish, they would often have some very curious bye-laws to approve, and, if not, they would introduce an element of contention between the Guardians and the parish.

Question put,

"That the words 'The requisition may be accompanied by representations, made by a resolution passed in like manner, as to the nature of the bye-laws desired by the parish,' stand part of the Clause."

The Committee *divided*:—Ayes 125; Noes 62: Majority 63.

Amendment (*Mr. W. E. Forster*) *agreed to*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clause 21 (Officers of local authority); and Clause 22 (Provision as to powers and expenses of school board), severally *agreed to*, and *ordered* to stand part of the Bill.

Clause 23 (Expenses of local authority other than school board).

On the Motion of Viscount SANDON, Amendment made in page 8, line 32, at commencement of Clause, by inserting—

"A school attendance committee under this Act shall not incur any expense, or appoint, employ, or pay any officer without the consent of the council or guardians by whom the committee were appointed; and where they are appointed by guardians also, of the Local Government Board, but with such consent may employ and pay any officer of such council or guardians."

MR. PELL moved, as an Amendment, in page 9, at end of Clause, to add—

"Provided always, That relief or money given under this Act for the payment of school fees in any parish where the local authority is the board of guardians shall not be paid out of their common fund, but shall be a separate charge on each parish; and the board of guardians shall issue their precept to the overseers of such parish requiring the overseers, within a time limited by the precept, to pay the amount

of the separate charge specified in such precept to the board of guardians, or to some person appointed by them; and the overseers shall comply with the requisition of such precept by paying the sum required out of the poor rate of such parish.

VISCOUNT SANDON said, that the Government would endeavour to meet the views of the hon. Gentleman by a proposal to be brought up on a later stage of the Bill.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clause 24 (General and local committee of local authority), *postponed*.

Clause 25 (Clerk of guardians, and application of Acts to guardians), verbally *amended, agreed to*, and *ordered* to stand part of the Bill.

Clause 26 (Effect of subsequent appointment of school board).

LORD FRANCIS HERVEY moved, as an Amendment, in page 9, line 32, after 1870, to insert—

"Provided, That after the passing of this Act a school board shall not be formed for any school district in which there exists efficient and suitable provision for the elementary education of all the children resident in such district."

VISCOUNT SANDON said, that was by no means a trifling proposal, as it was opposed to the programme he laid down in introducing the Bill, when he stated that every district would be able, as at present, to have a school board if it wished it—the object of the Government being to allow the country to choose either the school board system of the Bill of 1870, or that of the present Bill, the choice being left absolutely to the people of a district, provided always that they did their duty in providing proper school accommodation, and in securing the proper instruction of the children, as made necessary by this Bill. It would be, therefore, entirely contrary to the views of the Government to say that it should be impossible for any district to have a school board, if by a popular vote it desired to have one. Consequently, the Government would offer a decided opposition to the Amendment.

MR. W. E. FORSTER objected to the Amendment, which, if adopted, would



effect a great change in the Bill, and reverse the principle laid down in the Act of 1870, and be a retrograde step in the course which had been pursued for the last three or four years. He thought the Government had taken the proper course in regard to the present proposal.

MR. SAMPSON LLOYD, in supporting the Amendment, remarked that the right hon. Gentleman the Member for Bradford and the right hon. Gentleman the Member for Greenwich stated, when the Bill of 1870 was introduced, it was intended, not to destroy, but only to supplement the existing system.

MR. CHARLEY also supported the Amendment, on the ground that school boards should be called into existence, not for the purpose of supplanting, but of supplementing, voluntary exertions. He feared that the noble Lord the Vice President of the Council did not sufficiently appreciate the feeling on that side of the House, the Members of which did not think that the Bill would sufficiently carry out the object for which, so far as education was concerned, they were returned. *Gazette after Gazette* was filled with announcements of the formation of new school board districts, although it was the policy of the Conservative Party to maintain and extend the voluntary system.

DR. LUSH, believing the Bill meant the absolute destruction of school boards, and the transfer of the education of the country entirely to denominational schools, said he should give his most strenuous opposition to anything which would destroy the alternative which some districts now possessed of having school boards if they pleased.

MR. HAMOND contended, on the contrary, that the Amendment, instead of destroying school boards, sanctioned them wherever they were required, although it disputed the supposition that it was necessary to have school boards where there was ample public elementary school accommodation in any district. At the present moment there were no fewer than 500 school boards in England and Wales with not one single school among them. He maintained, therefore, that those school boards were entirely beyond the Elementary Act of 1870. The object of the present Bill was to give local authorities greater powers to do what had hitherto been

proposed to be done illegally by the school boards. He hoped the Government would give way on this point.

MR. GATHORNE HARDY contended that if the argument of his hon. Friend the Member for Newcastle was good for anything, this Amendment was entirely unnecessary. If school boards had been illegally created they could be set aside. By the Act of 1870 an application from the Town Council or ratepayers would clearly compel the Education Department to give them a school board, and though the Bill provided another mode of dealing with the question, yet its whole principle was that the ratepayers should be left to decide whether they would prefer to elect a school board in preference to relying on the Town Council or Board of Guardians. What was asked was that these bodies should be left to act for themselves. It was not the fact that school boards did not put compulsory bye-laws into operation in districts where there were only voluntary schools, for in Stockport there was not a single school which was not upon the voluntary principle, and yet compulsory bye-laws were in force there. What Her Majesty's Government desired was to respect the individuality of the school districts, and to leave them to act as they thought proper with the view of enforcing attendance.

MR. MUNDELLA expressed satisfaction with the declaration of the right hon. Gentleman, and said that, if they did not stand fast upon the point, it would be fatal to their Bill and to the character of the education to be given. School boards were intended for more purposes than merely supplying school accommodation. In Manchester, in 1869, the state of education was deplorable, though there was ample school accommodation. The fact was, that there were no bye-laws to enforce attendance; but the result of having a school board was that attendance had nearly doubled.

MR. HERMON said, he should vote against the Amendment.

MR. DILLWYN rejoiced at the declaration that the Government did not countenance the reversal of the policy of the Act of 1870. He gave credit to the Government for good intentions in the measure they had brought forward, but it had rather the appearance of being intended to strike a blow against school boards throughout the country.

LORD ROBERT MONTAGU trusted that the Amendment would not be pressed to a division, for if it was, he must vote against it. If, as he hoped, the Bill should work well, the rate-payers would never have recourse to the expensive machinery of school boards.

LORD FRANCIS HERVEY, replying to objections, said that the Amendment had been very much misunderstood. It would not at all touch existing school boards, as it was entirely prospective in its nature. It was also idle to say that the Amendment was contrary to the Act of 1870. The only functions of school boards were compulsion and the provision of accommodation together with the maintenance of schools. Of these functions the latter was *ex hypothesi* voluntarily performed, and the former was conferred by the Bill on other authorities; if, therefore, they failed in their duty, a school board was not likely to discharge them. An important object of the Bill was to supersede the necessity of forming school boards for the sole purpose of compulsion, and the Amendment would further that object; it would enable the country with greater ease to avoid the creation of these noxious and unpopular bodies. The Amendment would leave the principles of the Act of 1870 in perfect integrity, while it would be a step, though a small one, towards the consolidation of local machinery.

MR. STORER said, the Amendment would act very beneficially in rural districts by preventing their running into unnecessary expense. There were many districts where school boards had been formed and nothing further done.

MR. MUNTZ said, it would be a great mistake to alter the present law for the sake of two or three particular cases.

*Amendment negatived.*

Clause, as amended *agreed to*, and *ordered* to stand part of the Bill.

#### *Legal Proceedings.*

Clause 27 (Application of 36 & 37 Vict. c. 86, ss. 23-4 to penalties &c.).

MR. BIRLEY (for Mr. HARDCASTLE) moved, as an Amendment, in page 9, line 40, to add, after "thereto," the words—

"And every person who shall fraudulently obtain, or enable or procure any other person to obtain payment or an order for payment from any school board or local authority, or expose any school board or local authority to the pay-

ment of any school fees, shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour."

THE ATTORNEY GENERAL said, he should be disposed to accept the Amendment, if it were amended so as to contain the punishment named in it for obtaining from a school board payment, or order of payment, or remission of payment of a school fee.

Amendment to said proposed Amendment *agreed to*.

MR. GREGORY moved to omit the words "with or without hard labour," which he said would make the punishment excessive, especially as it was for a new offence.

MR. W. E. FORSTER urged that even three months' imprisonment without hard labour would be an excessive punishment. It was a very severe clause, and it ought to be well considered by the Committee before it agreed to the infliction of such a penalty.

THE ATTORNEY GENERAL considered the offence with which the clause proposed to deal quite as bad as that of obtaining money by false pretences. Moreover, as the Amendment provided that the imprisonment should not exceed three months, it would be in the power of the magistrates to mitigate the penalty.

MR. JOHN BRIGHT said, the House ought to consider that the class of persons to whom the clause applied was a very numerous and poor class, to whom a small temptation of the kind would come often with irresistible force. It was no worse an offence than for a person to go to the overseer of the parish and by, in some degree, misrepresenting his condition obtain out-door relief, when perhaps with a little economy he might be able to do without it. It was said that three months was the limit of the penalty; but these cases would come before a great variety of magistrates, some of whom might not be very judicious, and who would be subject to varying moods, and might sometimes think it necessary to make a severe example. He thought the punishment of a fortnight's imprisonment would just as completely deter any person from the commission of this offence as a punishment of three months, which he considered to be too severe for such a slight offence. He should therefore propose

to substitute 14 days for three months' imprisonment.

THE ATTORNEY GENERAL thought, perhaps, the justice of the case would be met by a maximum punishment of a fortnight's imprisonment with hard labour. He would therefore assent to the proposal of the right hon. Gentleman.

Amendment (*Mr. Gregory*), by leave, *withdrawn*.

Amendment (*Mr. John Bright*) *agreed to*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clause 28 (Exemption of employer on proof of guilt of some other person).

MR. ONSLOW moved, as an Amendment, in page 10, line 23, to leave out from "representation" to "conviction," in line 25. It was the part of the clause which provided that where an employer, charged with taking a child into his employment in contravention of the Act, proved that he had used due diligence to enforce the observance of the Act, and either that some agent or workman of his employed the child on the production of a false certificate, or on the representation by the parent that the child was of a proper age, and that the employer had taken all practical means in his power to prosecute such agent, workman, or parent to conviction, the employer should be exempt from such penalty. The hon. Member contended that it would be a hardship to require the employer to find out whether a child taken into his employ was really what he had been represented to be, and that the duty of prosecuting the persons in fault should be left altogether in the hands of the Inspectors. If it were not so, great inconvenience, to say the least of it, would often arise to the employer of labour if he had to go about the country hunting up evidence in order to obtain a conviction.

VISCOUNT SANDON observed that the words in question were taken verbatim from the Factory Act of 1844, and he thought it would be desirable to retain them.

MR. JOHN BRIGHT said, he thought the proposition of the hon. Member a very reasonable one. He was not sure that those words were to be found in the

Factory Act, but he was quite certain of this—if they were in the Act they had never been put in force. If the words had not been found necessary under the Factory Act, they ought not to be inserted in this Bill. They were antiquated, and he hoped the noble Lord would not retain them.

VISCOUNT SANDON, having referred to the Factory Act, said there appeared to be considerable doubt in the matter. He should, therefore, act on the suggestion of the right hon. Gentleman and adopt the Amendment.

MR. GORST said, there was this difficulty about the declaration of the age of children, that in many cases children were not registered, and in such cases it would totally preclude them from getting employment.

MR. WHALLEY pointed out that the Act was still experimental, and therefore should not be too harsh.

Amendment *agreed to*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

#### *Miscellaneous.*

Clause 29 (Adaptation of 36 & 37 Vict. c. 86, s. 3, respecting pauper children to this Act).

LORD FREDERICK CAVENDISH, referring to that part of the clause relating to relief out of the workhouse being given by the Guardians by way of allowance to the parent of any child above the age of five years, prohibited from being taken into employment, or required to attend school, moved that the additional provision should be inserted that such child should be one who had not passed the Standard of reading, writing, and elementary arithmetic fixed by Standard III. of the Education Code of 1876, so that it should be a condition for the continuance of relief that elementary education should be provided for the child. He would not enter into the controversy of why the Standard of education was lowered to the out-door pauper, but he thought that children who were to obtain employment should have attended school more than 125 days in two years. His object was to insure that all children should be required to reach Standard III. in these respects, instead of being reduced to Standard II., as they might be if the clause was not amended as he proposed.

### Amendment proposed,

In page 11, line 3, after the word "who," to insert the words "has not passed the standard of reading, writing, and elementary arithmetic fixed by standard three of the Education Code of 1876, or who."—(*Lord Frederick Cavendish.*)

VISCOUNT SANDON said, the regulation only applied to out-door pauper children in districts. He understood that Standard III. was to be the class in all pauper schools. The object was to bring all the children into the same category. He always received the proposals of the noble Lord with attention, but the noble Lord was the one person who had taken the opportunity of saying things which he must have known were likely to be personally disagreeable to him, and he must say that, after the way he had received his Amendment, and those of hon. Gentlemen opposite, he thought he was entitled to receive different treatment at his hands.

LORD FREDERICK CAVENDISH said, the clause made no distinction whatever; and even in the case of such children, it was a mockery to give them so low an education. For years the instruction of that class had been, he might say, disgraceful, and a mockery of the word.

MR. W. E. FORSTER said, that no one had been more willing than his noble Friend (Lord Frederick Cavendish) to acknowledge the willingness of the noble Lord opposite to receive Amendments from all parts of the House, and no one was more sanguine as to the effect of the Bill. This, however, was really an important point. Should pauper children, whether in-door or out-door, in urban or in rural districts, have the same elementary education as other children or not? He quite agreed with his noble Friend that all children should be kept up to Standard III. The real question before the Committee was whether these children were to have an education which might be supposed to be worth having, or whether they were to have an education which was worth nothing at all for the next two years, because the Second Standard did not secure that a child should be able either to read or write.

LORD FREDERICK CAVENDISH regretted that anything which he had said should have given the noble Lord opposite cause of complaint. It was

completely unintentional on his part, and he thought that he was paying the Bill a high compliment in saying that this was the only retrogressive clause in it.

MR. CLARE READ said, that last year only 1,400 of those children passed in Standard III. and all the rest had to be kept continuously at school, unless they had complied with the provisions of the Agricultural Children Act.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 108; Noes 181: Majority 73.

Clause 30 (Amendment of 33 & 34 Vict. c. 75, as to elections to fill casual vacancies in school boards).

On Motion of Lord SANDON, Clause amended, so as to bring into immediate operation, on the passing of the Act, the powers of school boards to fill casual vacancies.

Clause, as amended, agreed to, and ordered to stand part of the Bill.

Clause 31 (Application of 33 & 34 Vict. c. 75, ss. 83, 84, to orders and documents of Education Department); and Clause 32 (Effect of schedules), severally agreed to, and ordered to stand part of the Bill.

Clause 33 (Definition of employment in case of parent).

MR. ONSLOW moved, as an Amendment, in page 12, line 3, to leave out "employs," and insert who, "after due warning continues to employ." As the clause now stood a parent who employed his child for the sake of gain, without its having obtained the necessary school certificate of proficiency, or had attended a certain number of times at school during the course of the year, should be looked on in the light of an employer, and be liable to the same pains and penalties. Now, he (Mr. Onslow) thought that this was a little too severe on the parent, unless he had wilfully disobeyed the warnings of the Inspector. He therefore thought that the words he proposed to introduce might tend to mitigate undue hardship.

VISCOUNT SANDON thought the Amendment would so far trammel the measure that he hoped his hon. Friend would not press it.

MR. EVANS said, that under the working of the Act of 1870 the parents received two or three warnings from the school boards, and he did not think the local authorities would be less sedulous in the matter.

MR. KNOWLES thought the parents would run the risk of keeping their children from school if they were not required to do so until they had received a warning.

MR. MUNDELLA said, the provision was exactly the same as that in the Act relating to the education of children in factories.

MR. WHALLEY emphatically protested against the more than Algerine severity which it was proposed to adopt in enforcing education.

*Amendment negatived.*

*Clause agreed to, and ordered to stand part of the Bill.*

Clause 34 (General definitions).

On the Motion of Mr. W. E. FORSTER *Clause amended*, so as to provide that the education of a child should commence at five years.

MR. RODWELL moved, as an Amendment, in page 12, line 7, to leave out "fourteen," and insert "thirteen." It would not, he said, be for the public interest that a child in the agricultural districts should be kept from work until he was 14 years of age. In favour of his Motion he might say that the age at which a child might commence to be educated in the work which would enable him to earn his daily bread was expressly mentioned in the Act of 1870 as 13. The same age was mentioned in the Scotch Act, and also in the Pauper Children Act, and he thought the proposition a reasonable one, for he protested against a child being subjected to a year's enforced idleness.

*Amendment proposed, in page 12, line 7, to leave out the word "fourteen," in order to insert the word "thirteen."*  
—(Mr. Rodwell.)

MR. W. E. FORSTER expressed a hope that the Government would not accept the Amendment, as it would, to a great extent, do away with the good of the Act of 1874.

MR. KNOWLES supported the Amendment.

MR. MUNDELLA hoped the time was not far distant when the children would pass a higher standard in education than at present.

MR. CHAPLIN found fault with the Amendment, because it did not go far enough. He had an Amendment proposing the age of 12; but he would withdraw it if the Government accepted the Amendment of his hon. and learned Friend.

MR. J. G. HUBBARD said, he was not interested either the agriculturists or the manufacturers, but the Committee had just passed a clause to inflict severe penalties on the parents if they employed their child in any sort of work until he was 14 years of age. He sympathized with the parents, and supported the Amendment to substitute 13 years for 14.

LORD FREDERICK CAVENDISH urged the Government to abide by the age they had inserted in the Bill.

MR. STORER said, at 13 these children were hired, and it would be a great hardship to keep them another year in idleness because their parents had neglected their children's education.

MR. WHALLEY said, he would shortly be attending a council in North Wales known as Eistedfodd, and he believed they would display on that occasion an amount of energy and ability which would show that the very last thing they ought to teach children was reading. In support of that he need only point to the ancient kingdom of Wales, which had produced people more moral, more loyal, and more happy socially than any other portion of this country, or of Europe. He must again repeat that he objected to the Algerine provisions of this Bill. In passing it, they were acting in opposition to experience, and to the opinion of a large proportion of the population of this country.

VISCOUNT SANDON could not claim for the Bill the character of Algerine legislation. The Government were told from other quarters that their Bill was altogether too mild, and these contradictory views encouraged him to believe that they were hitting the happy medium in the proposals which they made. He could not sympathize with those who, like the hon. Gentleman, thought reading undesirable. If they were all musical there might be something to say in favour of that view. He could not

assent to the Amendment, being of opinion that, for the sake of uniformity, which would be a matter of great convenience both to parents and to the employers, the limit of 14 years should be adhered to. The age of 14 had been enacted in the Factory Bill of 1874, passed by the present Government, with reference to children engaged in connection with textile fabrics, and it must be remembered that great numbers of agricultural children were in the neighbourhood of the great centres of industry. It must not be supposed that children were to be kept at school until 14, for, with proper care, most of them would be able to go out to labour at 10 or 11 years of age. It was no unimportant part of the scheme of indirect compulsion that the operation of the Act should extend as far as 14 years, because, if a parent neglected his duty, he would know that it would be possible that his child's labour might be kept from him until the child was 14. This would also have a great and very important effect in reference to "wastrel" children, who had always been eluding the grasp of our educational legislation, the dealing with whom satisfactorily was one of the objects respecting which he felt the greatest anxiety. He regretted, therefore, that he could not comply with the wishes—which were by no means unnatural—of his hon. Friends, and must adhere, on the part of the Government, to the age of 14.

THE O'CONOR DON pointed out that in factories a child could not be employed full time until he was 13, whilst under this Bill an agricultural child could be so employed at 11.

MR. CLARE READ remarked that the factory legislation was based upon the ground of health as well as education, whilst in agriculture it was education alone. He hoped that the Amendment would be pressed to a division; because he feared that the age of 14 would very much tend to damage the cause of education in the country. He contended that if they were to advance gradually and surely, they had better not jump to the extreme age of 14.

MR. RODWELL said, the whole argument against the Amendment was based upon the fact that the age of 14 had been fixed in the Factory Act. He rested the Amendment upon the injustice and hardship of compelling children

to remain until they were 14 years of age in a state of *pupillari*. He should certainly go to a division, as he thought the concession ought to be made by the Government to those who believed that 13 was sufficient for any of the purposes of the Bill.

MR. HEYGATE supported the Amendment, on the ground that if the age of 14 were adopted uniformity would not be arrived at.

SIR GEORGE ELLIOT pointed out that the point in difference was only half-time, or six months between the ages of 13 and 14, and he thought the Government would be acting wisely if they gave way.

Question put, "That the word 'fourteen' stand part of the Clause."

The Committee divided:—Ayes 197; Noes 108: Majority 89.

VISCOUNT SANDON moved, as an Amendment, in page 12, line 11, at end, to insert as a separate paragraph:—

"The term 'certified efficient school,' in this Act means a public elementary school, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's Inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school."

This was a school which no one would be compelled to attend, but it was the definition of a certified efficient school which he had promised to give the Committee.

THE O'CONOR DON objected to the words "not conducted for private profit." He thought the clause would be sufficiently stringent without them.

VISCOUNT SANDON said, it would be impossible to undertake the inspection of all private venture schools.

Amendment agreed to; paragraph inserted.

Clause, as amended, agreed to, and ordered to stand part of the Bill.

Clause 35 (Provision as to part of a parish); and Clause 36 (Construction of this Act with other enactments), severally agreed to, and ordered to stand part of the Bill.

Clause 37 (Temporary modification as to application of Act, and saving for children in employment at passing of Act), verbally *amended, agreed to, and ordered* to stand part of the Bill.

Clause 38 (Repeal of Acts) *agreed to, and ordered* to stand part of the Bill.

House resumed.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

CROSSED CHEQUES BILL.—(Lords.)

[BILL 112.] COMMITTEE.

Bill considered.

(In the Committee.)

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (General and special crossings).

MR. J. G. HUBBARD moved, as an Amendment, in page 1, line 20, to leave out "or of two parallel transverse lines simply." Its object was to exempt from the operation of the Bill cheques which had merely two parallel transverse lines.

MR. RYLANDS said, if the Amendment were agreed to, the Bill would become a common nuisance throughout the country, and he hoped it would not be pressed.

Amendment *negatived*.

Clause *agreed to*.

Clause 5 (Crossing after issue).

THE LORD MAYOR (MR. ALDERMAN COTTON) moved, as an Amendment, in page 2, line 4, after "specially" to insert—

"Where a cheque is crossed generally or specially a lawful holder may add to the crossing the words 'for account of,' or any abbreviation thereof, followed by the names of the persons or company to whose account he wishes the cheque to be credited."

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 6 (Crossing material part of cheque).

MR. DILLWYN moved, to report Progress, protesting against such an important measure as that being proceeded with at half-past 1 o'clock in the morning. There were 24 Bills on the Orders of the Day, and the Government ought to decide what Bills they really

intended to proceed with, and what they would withdraw.

MR. BACKHOUSE appealed to the hon. Member for Swansea not to press his Motion, on the ground that the Bill was generally desired.

MR. E. JENKINS considered that it was most unfair for the Government not to take the House into their confidence, and let them know what measures they really intended to go on with. He was interested in several Scotch Bills, and had to remain in the House night after night to see that the Home Secretary did not slip any of these Bills through without discussion.

MR. ASSHETON CROSS hoped the hon. Member did not intend to impute that he would "slip" any Bill through. He had distinctly stated that no Scotch business should be taken unless full Notice was given of it.

MR. E. JENKINS said, of course, if he had used any expression to which the right hon. Gentleman objected, he would at once withdraw it.

THE CHANCELLOR OF THE EXCHEQUER said, it was most inconvenient that the discussion on a Bill as to which there was a general agreement should be interrupted in this manner.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Dilhoyne.)

The Committee *divided*:—Ayes 13; Noes 123: Majority 110.

MR. E. JENKINS then moved, that the Chairman do leave the Chair.

MR. ORR EWING opposed the Motion. He (Mr. Orr Ewing) was satisfied that the constituents of the hon. Member would be much better satisfied with him if, instead of interposing obstructive propositions, he would assist in passing a Bill which was demanded by the entire mercantile community.

Motion made, and Question put, "That the Chairman do now leave the Chair."—(Mr. Edward Jenkins.)

The Committee *divided*:—Ayes 11; Noes 122: Majority 111.

CAPTAIN NOLAN moved that the Chairman report Progress, and ask leave to sit again.

MR. BURT said, he had voted in the first instance for Progress being re-

ported; but as the feeling of the House was evidently in favour of going on with the measure, he did not see any use in persevering with those Motions of delay.

Motion, by leave, *withdrawn*.

Clause *agreed to*.

Clause 7 (Payment to banker only).

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(*Mr. Thomas Eustace Smith*.)

Question put, and *agreed to*.

House *resumed*.

Committee report Progress; to sit again upon *Monday* next.

#### WASTE LANDS AND PEASANTS DWELLINGS (IRELAND) BILL.

On Motion of Mr. BIGGAR, Bill to provide for the purchase of Waste Lands and the erection of Peasants Dwellings in Ireland out of the surplus funds of the Commissioners of Church Temporalities in Ireland, *ordered to be brought in* by Mr. BIGGAR, Mr. COWEN, and Mr. O'SULLIVAN.

#### ARKLOW HARBOUR IMPROVEMENT BILL.

*Ordered*, That the Select Committee on the Arklow Harbour Improvement Bill do consist of Seven Members:—Sir GEORGE BALFOUR added 'to the Committee.—(*Mr. William Henry Smith*.)

Motion made, and Question put, "That Colonel Makins be added to the Committee."

The House *divided*:—Ayes 18; Noes 14: Majority 4.

House adjourned at half after  
Two of the clock.

### HOUSE OF LORDS,

*Tuesday, 18th July, 1876.*

MINUTES.] — PUBLIC BILLS — *Committee* — Local Government Board's Provisional Orders Confirmation (Birmingham, &c.) (111).

*Report* — Commons (176-183); Local Government Board's Provisional Orders Confirmation (Bath, &c)\* (168)—(Bilbrough, &c.)\* (169).

*Third Reading*—Public Works Loans\* (167) and *passed*.

#### COMMONS BILL.—(Nos. 139, 176.)

(*The Lord President*.)

#### REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Clause 8 (*Suburban Commons*. Sanitary authorities to be represented in the case of commons in the neighbourhood of towns).

THE DUKE OF RICHMOND AND GORDON said, that he had considered the Amendment proposed by the noble Duke (the Duke of Northumberland) in Committee, and he was willing to adopt it. He would therefore propose that the six miles radius of distance should be measured, not from "the outer boundary of the town," as it now stood, but—

"In a direct line from the town hall, or if there shall be no town hall, then from the cathedral or church, or if there shall be only one church, or if there be more churches than one, then from the principal market place of such town to the nearest point of the suburban common."

Amendment *made*.

Clause 19 (Allotments for recreation and gardens).

LORD REDESDALE renewed his objection to this clause, which extended the power of the Inclosure Commissioners to require allotments for recreation and field gardens, which under the Inclosure Acts was restricted to the inclosure of commons which were waste of a manor, or subject to an unrestricted right of common, to commons not waste or not so subject, and moved to omit the clause.

LORD EVERSLEY also objected to the clause.

After some conversation,

THE DUKE OF RICHMOND AND GORDON assented to the omission of the clause.

Clause *struck out* accordingly.

Clause 30 (Jurisdiction of County Court in respect of illegal inclosures).

LORD ABERDARE moved at end of 1st Section to add—

"Provided nevertheless, that this section shall not apply to any inclosure or encroachment or interference with the surface of the soil made in the exercise of any rights or alleged rights of getting stone, or of raising or working minerals, or of any operation connected therewith, upon or under a common."



THE DUKE OF RICHMOND AND GORDON said, he was unable to accept the noble Lord's Proviso.

*Amendment negatived.*

Bill to be read 3<sup>a</sup> on *Thursday* next; and to be *printed* as amended. (No. 183).

PROVISIONAL ORDERS — LOCAL GOVERNMENT BOARD PROVISIONAL ORDERS (BIRMINGHAM, &c.) BILL.

Order of the Day for the House to be put into Committee, read.

*Moved*, That the House do now resolve itself into a Committee.

LORD REDESDALE desired to point out that a very important question was being raised by the great extent to which the system of Provisional Orders was now carried. When exercised with prudence and discretion, the powers conferred by Provisional Orders were no doubt useful and advantageous, and it was also necessary that in certain cases the Local Government Board should be able to set aside the provisions of an Act of Parliament in the matter of local improvements. But at the same time it was not to be forgotten that these powers were liable to abuse, and that they might open the door to an enormous amount of jobbery. In particular it was desirable that in the case of Bills for local improvements there should be a watchful jealousy and discretion observed in order to prevent burdens being imposed by means of borrowing powers for the bearing and repayment of which by the ratepayers no adequate provision was made. He was of opinion that the money raised for local improvements by borrowing should only be raised where full and adequate provisions were inserted in the Bill, not only for the payment of the stipulated interest, but also for the creation of a sinking fund for the repayment of the principal within a reasonable period. Such a provision he thought was necessary for the protection of the ratepayers as well as the creditors. He was extremely reluctant to interpose any difficulty to the progress of this particular Bill. With regard to such a place as Birmingham, ~~there could be no~~ charge or suspicion of them take the case with a debt of, say, off in 30 years.

annually in such a case would be not inconsiderable, and it was surely a dangerous power for the Local Government Board to possess, to be able to relieve the rates by extending the period for the extinction of the debt to 100 years. In an Act of 1851 it was provided that no application should be made to Parliament by a Town Council for power to raise money without first calling a meeting of the ratepayers, and receiving their sanction to the proceeding; but it was proposed in this case to set aside that provision for the protection of the ratepayers—rather a strong thing to be done by a Provisional Order. The question with regard to Provisional Orders was becoming one of very great importance. He did not mean to question the right of the Local Government Board to exercise the powers entrusted to them, but he could not help calling attention to the extent to which borrowing power had already been granted. There were no fewer than 165 places affected by such Bills as that now before their Lordships, and under these circumstances he hoped the Local Government Board would be careful in sanctioning these Bills, and in providing a sufficient guarantee for payment of interest and principal under fair and reasonable arrangements to the ratepayers.

LORD ABERDARE said, he thought the noble Lord ought not to have raised this question without giving notice to the Department concerned. He would, however, point out that the power exercised by the Local Government Board in respect of Provisional Orders was in aid of the local authority and for local purposes, and that consequently the main point was to secure that the parties locally interested should be duly consulted, and their consent obtained before any burden was placed upon them.

THE EARL OF JERSEY said, that the reason why the section of the Act of 1851 requiring the consent of the ratepayers to an application to Parliament by a Town Council was set aside by a Provisional Order, was that some doubt existed whether Town Councils were under the provisions of the Act of 1871 or under the Borough Funds Act of 1872, and the Corporation of Birmingham preferred to come under the latter.

The Bill proposed to give borrowing as to the Corporation of Birmingham to make extensive improvements

by the demolition of crowded and unhealthy areas, and the construction of improved dwellings for artisans, with properly ventilated, lighted, and drained streets. That involved a large expenditure, and the Corporation were anxious that the present ratepayers should not be called upon to pay more than their fair share of the cost of making these improvements. The Bill gave the power of distributing the cost and interest fairly with reference to the benefits which the improvements would confer upon future residents in such dwellings, and provided at the same time a sufficient security for repayment.

THE DUKE OF SOMERSET thought that their Lordships ought to feel very much obliged to the noble Chairman of Committees for calling their attention to this subject. He would suggest that there should be a Standing Committee of the House to whom all these Provisional Order Bills should be referred; that Committee would, in fact, greatly assist the Local Government Board. At present the House had no means of knowing whether the Bills contained improper provisions or not; and, though he did not desire to impute any blame to the Local Government Department, yet clauses slipped into these Bills, which were without doubt objectionable.

THE DUKE OF RICHMOND AND GORDON believed that legislation by means of Provisional Orders was a very good system, saving a great amount of expense in Private Bill legislation. It further secured careful investigation, for the practice was to institute a local inquiry by the Board before a Confirmation Bill was allowed to be introduced. In his opinion, the right hon. Gentleman the President of the Local Government Board had not exceeded in this case the powers with which he was entrusted, and had used them with discretion. The town of Birmingham had laid out large sums in local improvements, and that was a sufficient reason why a provision for the extension of time for repayment, such as was contemplated by this Bill, should be sanctioned. He did not think the Standing Committee suggested by the noble Duke (the Duke of Somerset) would work well; but thought the local inquiry to which he had just now alluded should be preceded by local advertisement so as to apprise the ratepayers of what was intended to be done,

so that if they felt any interest in the matter they might attend the public inquiry and state their views.

THE EARL OF HARROWBY considered that the suggestion of the noble Duke (the Duke of Somerset) that there should be a Standing Committee a very good one. That Committee would see that the rules laid down by Parliament had been complied with. They should remember that as regarded Private Bills they had such a Committee, and that that was a security that nothing improper passed through Parliament.

LORD WINMARLEIGH, said there could be no doubt that these Provisional Orders were a great saving of expense to the parties promoting them; but what was required was that more notice should be given to the localities of what was going on—there should be some means for calling the attention of the inhabitants to the principal points in the proposed Bill. But he would be sorry to oppose this system of legislation.

LORD REDESDALE said, he was far from objecting to the system of Provisional Orders, but the powers conferred on the Local Government Board ought to be exercised with very great discretion. The period of the Session at which these Bills were introduced was objectionable, as it was quite impossible to properly consider the clauses. During this Session there had been brought in 120 Provisional Order Bills, and only 42 of them were introduced before the month of June. But Private Bills had to be deposited in the month of December in order that they might be properly examined; thus they were before the public and the House a sufficient time to enable all parties to investigate them. He would suggest that their Lordships should lay down a rule that these Provisional Order Bills should not be brought in later than the month of April or May, so that there might be time to look into them.

THE MARQUESS OF SALISBURY said, there were two evils to meet—that of not sufficient notice to the parties, and that of want of time for examining these Bills. He certainly thought that sufficient notice was not given to the parties whose property was affected by these Orders, and that their Standing Orders should provide that some adequate notice should be given before the second reading of these Provisional Orders was

taken to the persons who were locally interested in them. He desired to say that it was the business of the Opposition to read these Bills. When he was in Opposition he considered it his duty to read all Bills; and if noble Lords opposite neglected that function they were not performing the constitutional functions of an Opposition.

Motion agreed to; House in Committee accordingly; Amendments made: the Report thereof to be received on *Thursday* next.

House adjourned at a quarter past  
Six o'clock, to Thursday next,  
Eleven o'clock.

## HOUSE OF COMMONS,

*Tuesday, 18th July, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Cruelty to Animals \* [250]; Saint Vincent, Tobago, and Grenada Constitution \* [253]; Industrial and Provident Societies \* [254]; Local Government Board's Provisional Orders Confirmation (Bingley, &c.) \* [255]; Local Government Provisional Orders (Chelmsford, &c.) \* [256].

Committee—Elementary Education [155]—R.P. Committee—Report—Metropolitan Commons (Barnes) \* [234]; General Police and Improvement (Scotland) Provisional Order Confirmation (Paisley) \* [235]—(Perth) \* [236]; Public Health (Scotland) Provisional Order (Irvine and Dundonald) \* [237]; Elementary Education Provisional Order Confirmation (Tolleshunt Major) \* [238]; Local Government Provisional Orders (Carnarvon, &c.) \* [239]; Provisional Orders (Ireland) Confirmation (Coleraine, &c.) \* [240]; Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation \* [241]; General Police and Improvement (Scotland) Provisional Order (Lerwick) \* [242].

*Third Reading*—Provisional Orders (Ireland) Confirmation \* [220]; Elementary Education Provisional Orders Confirmation (Hailsham) \* [223]—(Hornsey) \* [224]; Medical Act (Qualifications) \* [170], and passed.

*Withdrawn*—Grand Jury Law Amendment (Ireland) \* [80].

The House met at Two of the clock.

NOXIOUS VAPOURS. — A ROYAL COMMISSION.—QUESTION.

MR. SAMPSON LLOYD asked the Secretary of State for the Home De-

*The Marquess of Salisbury*

partment, Whether it is intended to appoint a Commission to inquire into the effect of the emission of noxious fumes from certain manufactories; if so, whether he has any objection to state the names of the persons who are to be appointed Members of such Commission, and the terms of the instructions on which they are to act?

MR. ASSHETON CROSS, in reply, said, it was the intention of Her Majesty's Government to advise the appointment of a Commission in pursuance of an Address which was agreed to in the House of Lords. The Commission would appear in this night's *Gazette*, and he had therefore no objection to state the names of the Commissioners and the terms of the Reference. The Chairman would be Lord Aberdare, and the other Members of the Commission would be Earl Percy, Viscount Midleton, Mr. Wilbraham Egerton, Mr. Stevenson, M.P., Professor Abel, Professor Williamson, Professor of Chemistry in the University of London; Professor Roscoe, of Owen's College, Manchester; and Vice Admiral Hornby. The inquiry would be into the working and management of works and manufactories from which sulphuretted hydrogen and other noxious gases were given off; to inquire into the effects produced upon animal and vegetable life by these gases, and to report as to the best means to be adopted for the prevention of the injuries arising from the exhalation of such vapours and gases.

## SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.

### QUESTION.

MR. R. SMYTH asked the Chief Secretary for Ireland, Whether he is prepared to lay upon the Table the Amendments to be proposed by the Government to the Sale of Intoxicating Liquors on Sunday (Ireland) Bill, which stands for Committee on Wednesday?

SIR MICHAEL HICKS-BEACH: Last Wednesday I stated to the House, on the part of the Government, my reasons for assenting to the second reading of this Bill; but, in order to avoid any misapprehension, I added that, in my opinion, it was not to become law in its present form, but that if it were his Session, it

would be my duty to propose certain Amendments. Those Amendments necessarily would be of considerable importance, and from what was stated in the course of the debate on the second reading, it is quite clear that several hon. Members desired, if not to oppose the principle of the Bill, at any rate to discuss it thoroughly during its further progress, so that it is clear the measure could not be proceeded with this year unless the hon. Member can secure an opportunity for its full discussion in Committee. He tells me that the Bill stands for Committee to-morrow; but when I refer to the Order Book, I find no less than 11 Bills, some of considerable importance, taking precedence of the Sale of Intoxicating Liquors on Sunday (Ireland) Bill; and although the hon. Member was most successful in persuading three hon. Members on Wednesday last to withdraw their Bills in favour of his measure, I think he is hardly likely to be equally successful with all the 11 Members who have charge of the 11 Bills on the Paper. Therefore, I do not think it is reasonable to calculate that there is any fair prospect of proceeding with this Bill to-morrow. If it should appear that there is any such fair prospect, it will be my duty to put the Amendments on the Paper; but looking to the importance of the question I do not think any useful purpose would be served by placing the Amendments on the Paper now.

#### NAVY — H.M.S. "THUNDERER" — THE RECENT EXPLOSION.—QUESTIONS.

MR. D. JENKINS asked the First Lord of the Admiralty, If he can give any information as to the cause of the bursting of one of the boilers in H.M.S. "Thunderer?"

MR. HUNT: I am not surprised, after the occurrence of this terrible calamity, that hon. Members and the public generally should be exceedingly anxious to learn the cause of the disaster. At present, however, the cause is only a matter of conjecture and surmise; and I am not, therefore, in a position to give the hon. Member the information he desires. But, even if I had up my own mind on the subject, I not think it right to state it to the House until after the con-

clusion of the inquiry by the Coroner's jury.

MR. J. R. YORKE said, that a subscription list had been placed in the cloak-room of the House of Commons inviting Members to subscribe, and that it was headed by a Member of the Government. He wished to know, If the list had been placed there by the authority of the first Lord of the Admiralty, and whether it was intended by this public subscription to show that the Government did not intend to compensate the sufferers or their families out of the public Exchequer?

MR. HUNT: The Paper was placed in the cloak-room by my authority. This fund is being raised with a view to relieve the immediate necessities of the families of the sufferers, and is not intended to be a substitute for any action which may be taken on the part of the Government with reference to their relief.

#### ARMY—DRILL AND EXERCISE IN HOT WEATHER.—QUESTION.

MR. RYLANDS (for Mr. J. HOLMS) asked the Secretary of State for War, Whether his attention has been drawn to a report that two soldiers of the force now encamped upon Blackheath, near Guildford, died instantaneously of sunstroke during the usual forenoon exercise of the troops on Friday last, and that many men had to fall out of the ranks from exhaustion; and, whether, during the intense heat, the exercise of the troops might not take place early in the morning or after five o'clock in the afternoon?

MR. GATHORNE HARDY, in reply, said, that in consequence of receiving Notice of the Question of the hon. Gentleman he had ordered a telegram to be sent and he had not yet received an answer to it; but no report of any suffering of the troops of the kind had reached the War Office. As to mustering the troops at an earlier hour he believed that a regulation of that kind had been carried out, for he saw that there was a Brigade out at 7 in the morning; but, inasmuch as the General Officer Commanding, Sir Thomas Steele, was in the habit of inspecting the troops, it was necessary for them sometimes to appear on parade later than that.

TURKEY—THE EASTERN QUESTION—  
ROUMANIA.—QUESTIONS.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether it is true that Roumania has called out her reserves and addressed a Memorandum to the Guaranteeing Powers asking, among other things, for the Delta of the Danube?

MR. BOURKE: In answer to the hon. Baronet I have to state that we know nothing about the united principalities of Moldavia and Wallachia having called out their reserves. We have received absolutely nothing either by telegraph or post. With regard to the second part of the Question, we have no information whatever on the subject, and I know nothing about it except what I have seen in the newspapers; but I am bound to say we have received a telegram from Constantinople, stating that a Memorandum on the subject has been placed in the hands of Sir Henry Elliot through our Consular Agent at Bucharest. That we have only received by telegraph, so that I cannot say what the contents of the Memorandum are.

SIR CHARLES W. DILKE: Can you say whether the Memorandum was placed in Sir Henry Elliot's hands to be forwarded to Her Majesty's Government or to the Turkish Government?

MR. BOURKE: All documents of this kind would, as a matter of course, go from our Consular Agent at Bucharest to Sir Henry Elliot for communication to Her Majesty's Government, and would be sent on in the ordinary course of correspondence.

ELEMENTARY EDUCATION ACT, 1870—

ARMLEY NATIONAL SCHOOL.

QUESTION.

MR. CHARLEY asked the Vice President of the Council, Whether he will direct that the acceptance of tenders for building the proposed new Board Schools for the township of Armley, near Leeds, advertised to be sent in to-morrow, be withheld until the application of Mr. William Ewart Gott, of Armley House, the Committee of the estate of the Lord of the Manor of Armley, for a Parliamentary Grant for his Boys' National School had been disposed of by the Education Department?

VISCOUNT SANDON, in reply, said, the application of Mr. Gott had been carefully considered by the Education Department, and they were of opinion that they would not be justified in acceding to it. Under these circumstances, the Department would not interfere with the contemplated board schools at Armley.

ELEMENTARY EDUCATION BILL.

[BILL 155.]

(Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Ascheton Cross.)

COMMITTEE. [Progress 17th July.]

Bill considered in Committee.

(In the Committee.)

Clause 3 (Commencement of Act) agreed to.

Clause 8 (Proceedings on disobedience to order of court for attendance at school.)

VISCOUNT SANDON moved, in page 3, line 23, after "sent," to insert—

"To a certified day industrial school, or if it appears to the court that there is no such school suitable for the child then."

The object was to prevent as much as possible the indiscriminate committal of children to boarding industrial schools. Of course, if day industrial schools should not be accepted at a future stage it would be necessary to strike out the Amendment.

Amendment agreed to.

MR. ONSLOW moved, in page 3, line 24, after "school," to insert—

"but, if the Court shall consider that the parent of a child has shown reasonable excuse for non-attendance, the court may at its discretion grant such compensation to the parent as it may think fit, such compensation to be paid for by the summoning authority."

The object of the Amendment was to remove a great hardship felt by poor people under the Act of 1870—that even when they had satisfied the magistrate that there was reasonable excuse for the absence of the child they received no compensation whatever for the loss of their day or half-day at the Court. He begged to point out that even in our large cities where a parent had to go perhaps not further than the next street, at all events never to any great distance, to answer the summons of the Inspector,

and when he had satisfied the magistrate that he had good cause for not sending his child to school, great hardship had arisen. How much more hard would it be on a parent similarly situated in the rural districts, who perhaps would have to walk five, six, and seven miles, and often, perhaps, would have to hire some conveyance, to get to the nearest magistrate's office. Surely it was not too much to ask that the parent should not be deprived of his day's wage, owing, it might be, to the carelessness of an Inspector.

MR. WHITWELL suggested that the Amendment could not be entertained on this clause.

MR. MELLOR supported the Amendment. The parent was justly entitled to compensation under the circumstances for the loss of his day's work; but he wished it had gone further and said that it should be paid out of the pocket of the summoning officer.

MR. RYLANDS said, it would be a great mistake to accede to the Amendment. If carried it would weaken the enforcing of the Bill.

MR. W. E. FORSTER said, the addition of the Amendment would make the clause contradictory. The clause was based upon the assumption that there was no reasonable excuse for the non-attendance of the child.

VISCOUNT SANDON said, the Amendment involved a very serious matter. He sympathized with the wishes of the hon. Member to relieve parents from any apparent hardship, but this was an extreme course to adopt. He felt certain that the local authorities at present carefully watched these cases, so as to prevent the infliction of unnecessary hardship, and he doubted if the Bill would work well from the introduction of the Amendment, because the local authorities would always feel in terror of being in the wrong. Then, again, the compensation was not defined. The Amendment would be productive of every kind of difficulty. He asked the hon. Member not to press it.

MR. FORSYTH said, the proposal would introduce a new principle into the law. Summonses and offences were dismissed daily, but who ever heard of compensation being given in consequence?

MR. PAGET sympathized with the Amendment, but he concurred in its withdrawal as being then irregular.

SIR EARDLEY WILMOT also appealed to the hon. Member to withdraw the Amendment. At a future stage he would be prepared to give its principle his support. It was a new proposal to compensate persons who had been wrongfully accused, but Lord Brougham had said that every man wrongfully accused in this country ought to be compensated. It had been said that such a provision as that proposed by the hon. Member for Guildford would restrain summoning officers from doing their duty; but, on the other hand, it would operate salutarily in preventing the power to summons being oppressively and harshly exercised.

MR. ONSLOW said, he would withdraw the Amendment, and bring up a new clause at the proper stage of the Bill embodying the Amendment.

Amendment, by leave, *withdrawn*.

MR. TORR moved, in page 3, line 28, to leave out "such penalty as aforesaid," and insert "penalty not exceeding, with the costs, ten shillings," for a second or any subsequent non-compliance with the order of the magistrate, as well as order the child to be sent to a certified industrial school.

MR. RATHBONE supported the Amendment.

MR. J. G. TALBOT said, although local experience seemed to support the Amendment, the Committee must be guided by general experience.

VISCOUNT SANDON, considering that 5s. penalty was the limit fixed by the Act of 1870, did not think it would be safe to increase the amount.

Amendment *negatived*.

MR. BIRLEY said, it appeared to be a general opinion that four weeks was too long a period in which to prohibit the local authority from repeating a complaint of non-compliance with the order of the court. He moved, in page 3, line 35, to leave out "four," and insert "two."

VISCOUNT SANDON willingly accepted the proposed alteration.

Amendment *agreed to*.

On Question, "That the Clause, as amended, stand part of the Bill?"

MR. BRISTOWE appealed to the Vice President to consider whether the

same excuses should be allowed on a second occasion as on the first. He would not put down an Amendment for the Report if the noble Lord did not think it could be entertained.

VISCOUNT SANDON thought that reasonable excuses must be equally valid on all occasions.

Clause *added* to the Bill.

Clause 9 (Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.)

MR. A. BROWN moved, in page 4, line 6, to leave out all after "accordingly" to end of clause. The words so omitted would be "unless the local authority think that it is inexpedient to take such proceedings."

VISCOUNT SANDON said, that the Bill would be perfectly complete without this clause; but it had been thought desirable to give a *locus standi*, so to speak, before the local authority to benevolent persons who interested themselves in these poor children, and who, if children were neglected, might go to the local authority without the charge of meddling. If, however, the Amendment were adopted, and if it were made compulsory on the local authority to take action upon the representations of the "common informer," a state of things would arise that would be intolerable, and lead to many dissensions. His own opinion was that this clause would be very useful, but only if the words to which objection was taken were retained. He could not consent to retain the clause at all if the words, as proposed, were omitted. He must therefore decline to accept the proposal of his hon. Friend.

MR. W. E. FORSTER agreed with the noble Lord in thinking that the local authority must be allowed a discretion, and not be compelled to take proceedings upon the representations made to them.

Amendment, by leave, *withdrawn*.

Clause *agreed to*, and *ordered* to stand part of the Bill.

Clause 10 (License to child sent to industrial school to live out while attending school).

VISCOUNT SANDON moved, in page 4, line 18, to leave out "public elementary," and insert "certified efficient."

*Mr. Bristowe*

Also in the same line to leave out the words, "or the said industrial school."

Amendments *agreed to*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

VISCOUNT SANDON moved the omission of Clause 13, and stated that he would lay on the Table to-night the terms of the clause he proposed to substitute.

Clause *negatived*.

Clause 24 *negatived*.

VISCOUNT SANDON moved, in page 4, after Clause 12, to insert the following Clause:—

#### Day Industrial School.

(Establishment, &c. of day industrial schools.)

"If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, an industrial school in which children are not lodged is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under "The Industrial Schools Act, 1866," certify any such industrial school in the neighbourhood of the said population to be a certified day industrial school.

"Any child authorized by "The Industrial Schools Act, 1866," or by this Act, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school, and may during the period specified in the order be there detained during such hours as may be authorized by the rules of the school approved by the said Secretary of State.

"A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

"In the case of a day industrial school,—

(1.) A prison authority within the meaning of "The Industrial Schools Act, 1866," and a School Board shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school; and

(2.) There may be contributed out of moneys provided by Parliament towards the custody, maintenance, and training of children sent by an order of a court to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends; and

(3.) Where a court of summary jurisdiction orders a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his maintenance and training in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum

paid under the order shall be paid over to the local authority in aid of their expenses under this Act; if a parent is unable to pay the sum required by the said order to be paid, he shall apply to the guardians, who, if satisfied of such inability, shall give him such relief as will enable him to pay the said sum or so much thereof as they consider him unable to pay; and

- (4.) The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the maintenance and training of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum, not exceeding sixpence a week and on such conditions as a Secretary from time to time recommends.

'It shall be lawful for Her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866,' and the Acts ending the same, with such modifications as may appear to Her Majesty to be necessary or proper adapting such provisions to a day industrial school, and bringing them into conformity with this section; and such Order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate the punishment imposed by the said Act.

'It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

'Every such Order shall be laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or, if not, within one month after the beginning of the next Session of Parliament, and while in force shall have effect as if it were enacted in this Act.'

THE O'CONNOR DON said, that as no one else had risen to make any remark on this clause, he felt bound to say that he entertained grave objections against the proposed system of industrial day schools in which the children would be partially supported. This clause, if passed, would not only alter some of the essential principles of the industrial schools, which was compulsory confinement therein, but would also completely alter the character of the reformatory schools, as it would take out of them the class of children for whom they were originally established. It was for the education of this very class of children for whom these day industrial schools were to be set up that most of the reformatory schools had been erected.

Moreover, the new system would add enormously to the rates of the country if it were brought into operation to any great extent.

VISCOUNT SANDON said, that it was no doubt a very important change that they were proposing; but it was a change recommended by several important school boards of great weight, and experience, and by some of the highest authorities connected with the urban population. There was hardly, he believed, a single boarding industrial school now in existence which had not strongly memorialized Government in favour of this experiment. The clause was fenced round with great caution. The Secretary of State could not certify a day industrial school unless he were satisfied that owing to the circumstances of any class of population in any school district, an industrial school in which children were not lodged was necessary or expedient for the proper training and control of the children of such class. They might be perfectly sure that the Home Secretary would be exceedingly careful not to give certificates to too large a number of these schools. There were, besides, very stringent provisions respecting the payment for the children, which were to be recovered in almost all cases from the parish, the localities being given for the first time a direct interest in getting them. He, in concert with the Government, was of opinion that this was one of the most important changes which could possibly be introduced. He did not wish to take to himself or the Government the credit of the scheme itself. The real credit of it belonged to many benevolent people outside the House, and amongst whom he must mention the honoured name of Miss Carpenter, who had tried day industrial schools under disadvantageous circumstances, and with marked success. Day industrial schools were used in Scotland largely, the result being that the small gutter children had been almost entirely got rid of. The plan of course only affected the town population, but it proposed to meet the case of a class which was the despair of the school boards, had eluded hitherto all our legislation, had only been very partially affected by the efforts of good and benevolent people, and which was the disgrace and the danger of our modern civilization in all our great



cities. It was absolutely necessary, therefore, to try some fresh method of dealing with this class. This scheme had succeeded marvellously as far as it had been tried by private individuals. It was now proposed to give further encouragement to individuals and school boards to establish such schools—only where the Secretary of State thought they were necessary. It was avowedly an experiment, but he trusted, in consideration of the magnitude of the evil, with which all their efforts had so far been unable to cope, and which must be dealt with, that the Committee would agree to try it.

MR. W. HOLMS having had experience of the system in Scotland, thought this clause would prove most beneficial.

LORD EDMOND FITZMAURICE saw great dangers in the clause, as it would hold out a temptation to magistrates to send children upon very slight excuses to these industrial schools; a new class of industrial schools would spring up all over the country, instead of the old ones getting filled, and thus the country would be saddled with very heavy expense. He would like to hear from the noble Lord what the opinions of the Inspectors, and especially of the Rev. Sydney Turner, were on the matter.

VISCOUNT SANDON said, that the Rev. Sydney Turner, the late Inspector of Industrial Schools, had spoken in the very strongest manner in favour of these industrial schools, both as likely to check expense and as affording the best way of dealing with the children in question.

MR. W. E. FORSTER asked how far these schools would combine industrial training with school teaching?

LORD ESLINGTON, while acknowledging the benefit which the industrial schools had conferred, could not but be struck by the extension of the system proposed in this clause. He should like to know how his noble Friend proposed to recover from parents the pay for which they were liable. At present it was collected through the police; but he thought it was very objectionable to employ the police in matters of education. It would be very desirable if some other agency could be employed for the collection of these sums.

MR. A. BROWN said, that the clause of the noble Lord deserved the support of the Committee for its combination of school teaching and industrial training.

MR. PELL feared that the result of the clause would be to lead parents to evade their obligations by tempting them to neglect the education of their children in order to gain the advantage of food in these day industrial schools. On the whole, unless the proposal were materially altered, he should be inclined to oppose it; and one alteration which should be made was to make this a local, not a Union charge, as country parishes would receive no advantage from day industrial schools.

MR. W. E. FORSTER said, the Committee were rather in the dark in this discussion. What would a day industrial school be? What industrial training would it afford? What food would be given to the children? Would there be half-time schooling? He could hardly make up his mind upon the clause until he was told what sort of school was contemplated.

VISCOUNT SANDON said, these day industrial schools would be almost identical with the lodging industrial schools, *minus* the lodging. A certain amount of industrial training would be given, exactly as in the lodging industrial schools, a good deal of latitude being purposely left with the Secretary of State and the able Inspectors to adapt the regulations according to the diverse requirements of various localities. Clothing might be given just as in the lodging schools, and one simple meal in the day would be provided. Something had been said as to the difficulty of recovering fees from the parents, and to meet this objection the interest of local authorities was stimulated by making the fees when recovered payable to them. It would not be expedient to appoint new officers to collect these fees. There was no fear that these day industrial schools would spread very much. The assent of the Secretary of State would be necessary, and the contributions of the State would be very small, being limited to 1s. per week per child, which was very much what the feeding of the children would come to. The rest of the money would come from the parents or from Boards of Guardians, or from voluntary contributions. The suggestion of the hon. Member (Mr. Pell) that this expenditure should be localized was a valuable one, and he should be willing to provide in the clause that it should not be spread over the whole of a large

*Viscount Sandon*

Union, for being mainly an urban affair the cost ought to be confined to the particular community benefited. It was believed, however, that day industrial schools would diminish the number of children in the lodging schools, and so diminish expense. It might appear strange to say so; but it was better that many of these children should not be taken altogether out of their homes and shut up for four or five years within the walls of an institution which, however well managed, was something of a hot-house for the children of the labouring poor. Something had been said about uncontrollable children, and Parliament was bound, if possible, to meet this difficulty. Here was a case mentioned to him by a London police magistrate:—A dock labourer was bound to be at his employment at an early hour, and to continue there, or he would lose his means of subsistence. The man might be a widower with four or five children, who did not go to school, though he urged them to do so. What possible means had such a man of seeing that his children went to school? The magistrate said it almost broke his heart to have to fine such a man 5s. The clause would meet the case of such uncontrollable children, as well as the class of what had been called Arab or gutter children, and as it would secure that the burden of the State should be small, that parents should be made to pay if they were able to do so, and that the charge should be a local, not a Union charge, he thought there was great hope of its proving a very valuable provision in the Bill.

LORD FREDERICK CAVENDISH said, this experiment, though promising good results, was attended with considerable danger. The noble Lord had stated that school boards were most anxious to have this power; but why not give them also the power of putting their hands into the public purse? He would certainly move to strike out the second section of the clause.

SIR WALTER BARTELOT said, he thought it was quite proper that when a man was utterly incapable of controlling his children, as in the case of the dock labourer put by the noble Lord, they should be sent to an industrial school; but he could not see the propriety of allowing those children to return to the home of such a parent

every afternoon. This would be a very mischievous provision if the parent was not obliged to pay the sum charged under the clause. He thought they were going a little too fast. They should be more tentative in their legislation, otherwise they might create a burden and an expense which would become intolerable.

MR. RATHBONE said, he hoped the clause would be guarded effectively by self-acting precautions. These day industrial schools should be obliged to comply with the same requirements as to inspection and results in the board schools.

MR. TORR remarked that, despite all the efforts of the school board and the vast machinery brought into operation by it there were something like 40,000 children in Liverpool still outside the control of any school—of these a large number of the worst class could only be won by means of such a clause as the one now proposed, which was specially applicable to the large towns and not to country districts. The parents did not give them any food, and the children were left to beg or steal it. The only way to get at them was to offer them a school with one meal of food a-day. He supported the clause.

MR. A. MILLS said, he hoped that some efficient machinery would be devised for extracting the payments due from parents for keeping their children at these day industrial schools. He regretted to find that the present board schools in London had displaced and disestablished the ragged schools. Although the London School Board had provided school accommodation for 120,000 children, there were said to be at this moment more gutter or wastrel children in London than there were six years ago. This clause appeared the only means of providing for them. Board schools were reluctant to take in those children because they were irregular in attendance, and brought them neither money nor credit; and what was to become of them he did not know. He certainly would support this clause.

MR. W. E. FORSTER hoped the clause would be accepted, though he candidly confessed he had considerable fears as to the result. The most that could be said in its favour was that it was an experiment; but as far as he

could see the Government were fully justified in making it. A good deal would depend upon the regulations made by the Secretary of State, yet he had confidence that these regulations would be of such a character as to make the clause successful. Something like a similar proposal had been submitted to himself and the Marquess of Ripon, who saw its advantages but did not like to assume the responsibility of its adoption. It appeared that the cost to the State for each child was to be 1s. a-week or £2 12s. a-year, which might represent a considerable sum in the aggregate. The speech which most alarmed him was that made by the hon. Member for Liverpool (Mr. Torr). It appeared that with all the efforts made by the school board of Liverpool—and no school board had worked harder—there were 40,000 children whom they had not been able to reach, owing to the peculiar nature of the population; and the hon. Member looked to this clause to bring them in.

MR. TORR said, that there were in Liverpool about 40,000 children afloat, but nothing like that number could possibly come under the action of this clause.

MR. W. E. FORSTER said, it might not be possible to get the whole of these children into the schools; but if the clause were sensibly to diminish the number in Liverpool and other seaports it must act by tens of thousands. The danger was lest these industrial schools should not be a deterrent, but a temptation to the parent. Parliament was about to offer to the hard-working poor not only to relieve them of the care of their children, but to supply them with food cheaper than they could obtain it, and all that the child suffered was the disgrace of a *quasi*-imprisonment, which disgrace would be soon diminished if many children entered the industrial schools under this clause. It was, in fact, a system of out-relief, and the danger was that it would be a temptation to the hard-working poor to make use of it, and that it would discourage those who did not. The greatest care would therefore be necessary in the precautions observed until it was seen how the experiment succeeded. He trusted that the Education Department would not commit itself too far, so that if it were found that these dangers were real

it might retrace its steps before any harm was done.

MR. W. H. SMITH said, there was no doubt that this must be regarded as a tentative clause. The Committee had to deal with a great educational, social, and moral difficulty, which had escaped all the efforts hitherto made by persons interested in the education of children in our great communities, and this was an attempt to overcome the difficulty. There was a provision that the parents should contribute not more than 2s. a-week to the cost of the maintenance of their children (Parliament contributing 1s.), and that, he thought, would check the temptation to abuse the benefits conferred by the clause, while at the same time the clause would give the authorities in large towns like London and Liverpool opportunities and means of getting these gutter children into school, which they never possessed before. The Bill did not profess to deal with vagrants any more than with canal children. A large expenditure upon these industrial schools would, of course, be a very grave matter, and the Government could not consent very largely to increase this source of expenditure. There might also be a danger lest the clause should remove from the parents a proper sense of responsibility. The Government, however, thought that this was an experiment that ought to be tried, and if it did not succeed it would be their duty to consider whether there was any better mode of dealing with this difficulty.

THE O'CONOR DON said, that if the committal of children to the industrial school were to be regarded as a penalty, he should like to know how that penalty was to be enforced.

VISCOUNT SANDON must decline to go into this question further than it was dealt with by the clause.

Clause read a second time.

LORD FREDERICK CAVENDISH moved to omit the second sub-section, namely—

“There may be contributed out of moneys provided by Parliament towards the custody, maintenance, and training of children sent by an order of a court to a certified day industrial school, such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends.”

*Mr. W. E. Forster*

VISCOUNT SANDON said, there was no reason why the State should not make contributions to these schools, inasmuch as it at present contributed towards the support of public elementary schools. These day industrial schools would be doing a work which he might say the Education Department had failed to do, and it would be hard, therefore, to say that they should have no State aid whatever.

MR. W. E. FORSTER pointed out that the sub-section did not distinctly state whether the payment of 1s. a-head by the State was to be met by a local contribution. He thought that there ought to be that security, otherwise they would be putting these industrial schools in a different position from that in which public elementary schools stood. In the case of the latter they proceeded on the principle that every shilling given to them by the State should be met by a shilling from the locality, and unless they adopted the same principle in dealing with day industrial schools there would be a strong inducement to everybody in a locality to increase the number of these schools, and shift the teaching of children entirely on to the State. His noble Friend the Member for the West Riding of Yorkshire (Lord Frederick Cavendish) was going too far in proposing practically that there ought not to be anything given out of the taxes to these schools.

VISCOUNT SANDON said, that, as the Government shillings would not cover the cost of the schools, additional money would, of course, have to be found elsewhere.

MR. LYON PLAYFAIR suggested that the provision in the Scotch Act with reference to this point might advantageously be inserted in the Bill.

VISCOUNT SANDON thanked the right hon. Member for the suggestion, and said he would look into the matter before the Report, in order to see whether the Scotch clause could be introduced.

MR. FAWCETT complained that this clause would introduce two most serious innovations. Under it Imperial funds were to be given to schools independently of their educational efficiency, and were also to be devoted to the relief of those necessities which arose from the negligence of careless or improvident persons. He trusted that the noble Lord

would accept an Amendment providing that these schools should be treated in the same manner as ordinary elementary schools, and that the State grant should be met by a corresponding contribution from the locality.

VISCOUNT SANDON feared that all chance of success with these schools would be destroyed if they were dealt with under the regulations applying to public elementary schools. These schools were, in fact, transition schools, intended for a class of children who could not be reached by the ordinary system. He should be prepared to enlarge the conditions on which the State aid was to be allowed.

LORD EDMOND FITZMAURICE saw difficulties in the clause, but hoped the Amendment would not be pressed.

MR. W. E. FORSTER said, that the clause introduced a new principle, and they should be very careful in the application of it. He suggested that there should be some such regulation as this—that the amount to be given should depend upon the results of education. The scholars would, perhaps, earn some 15s. or 16s. a-year, and this could go in reduction of the direct contribution from the State.

VISCOUNT SANDON admitted that certain educational conditions should be fulfilled, and these would be expressed upon the face of the clause.

MR. MUNTZ recognized this as a noble effort to meet a great want. It was amusing to hear these children spoken of as though they had parents who could be made responsible for them. The children who would be provided for in these schools had no parents at all, or none who took care of them; they seemed to swarm under the archways and in the alleys of our great towns as though they came there by spontaneous generation. It would be a great pity if the proposal were marred by any attempt to carry out abstract theories. The Government proposed to draw these children by means of offering them something to eat; they had to catch them as they would catch any other animal. If they went into a field to catch a horse they would find it better to take with them some corn rather than a whip.

MR. LOWE said, that before they gave a large grant out of the Consolidated Fund towards creating a particular

class of day schools, they ought to be sure that they were doing right. They were now really applying the rules of industrial schools to a totally different kind of school. An industrial school was a modified prison intended for children who had committed offences. They were described as beggars, wanderers who had no home, and who were destitute. Nothing could be kinder than to take poor children found in that position, and put them in a place where they would be taken care of, and the contamination which they would naturally give to each other might be checked by a proper system of discipline and watching. But whoever heard of such a proposal as the present before? They were to gather together these children with the hypothesis on their minds that many of them had no one to take care of them, and alept under bridges and arches, and after keeping them at school one part of the day, and administering to them a prison discipline in fact, they were then to turn them loose at night to go into fresh vice and misery. That was a proposition so monstrous that he could not allow it to pass without entering his humble protest against it. If it was worth while to do anything at all, it was surely worth while to do the thing thoroughly, and provide that these children should be kept out of temptation and subject to proper discipline.

THE CHANCELLOR OF THE EXCHEQUER said, that the right hon. Gentleman had spoken as if this subject was entirely new, and had never been thought of till the present time; but there were a great number of hon. Members in that House who knew very well that this matter had been engaging attention for many years. Some 20 years ago he joined with others in calling attention to the wants of this particular class of children and they were met by the authoritative and official assertion that such a class did not exist. They were told that they were speaking of criminals, and that they must go to reformatories. Meanwhile, excellent and benevolent people had substantiated the fact that there was such a class and had striven to meet the wants of these children. The school boards having failed, as they were told, to meet the case of these children, it was necessary somewhat to modify their system in order to get at them, and these day industrial

schools were now proposed as an experiment. The Government had endeavoured to frame their proposal in conformity with that which those who had been engaged in this work as a labour of love for many years had found to be the best line of action. He admitted that the system of day industrial schools must be introduced with great caution, in a very tentative manner, and subject to such conditions as would prevent abuse.

MR. W. E. FORSTER said, that he could not vote for the Amendment of his noble Friend; but in supporting the clause he must not be understood to be debarred from making further proposals upon the subject.

LORD FREDERICK CAVENDISH, yielding to suggestions, said, as the Vice President had admitted that greater securities were required, he would wait until the Report to see how they were provided.

Amendment, by leave, *withdrawn*.

MR. W. E. FORSTER proposed that the grant should not exceed the contributions of managers.

VISCOUNT SANDON did not like to commit himself to that off-hand, but he would consider it.

Amendment, by leave, *withdrawn*.

MR. J. G. TALBOT proposed that the minimum contribution of a parent should be 1s. a-week.

MR. ASSHETON CROSS said, that was the original proposal of the Bill, but inquiry had shown that the lower sum of 9d. would be far more readily obtained.

Amendment, by leave, *withdrawn*.

Clause agreed to, and ordered to stand part of the Bill.

VISCOUNT SANDON moved, in page 9, to leave out Clause 24, and insert the following clause:—

(Provisions as to school attendance committee and appointment of local committee.)

"Subject to the provisions of this Act the council or guardians may from time to time add to or diminish the number of members of a school attendance committee appointed by them.

"A school attendance committee appointed by guardians shall act for every parish in the union which is not under a School Board.

"A school attendance committee may, if they think fit, appoint different local committees for different parishes or other areas in their district

*Mr. Leve*

for the purpose of giving the school attendance committee such aid and information in the execution of this Act as may be required by the committee appointing them, but any such local committee shall not have power to make any bye-laws or take any proceeding before a court of summary jurisdiction under this Act.

"A local committee may consist of not less than three persons, being, as the school attendance committee appointing them think fit, either wholly members of such committee or partly such members and partly other persons.

"The provisions contained in the Second Schedule to this Act shall apply to every school attendance committee and local committee appointed under this Act."

Clause agreed to, and added to the Bill.

VISCOUNT SANDON moved, in page 1, after Clause 3 to insert the following clause :—

(Declaration of duty of parent to educate child).

"It shall be the duty of the parent of every child above the age of five years to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act."

The noble Lord reminded the House that there had been a general feeling in the House in favour of such a declaratory clause, and the Government had since determined that it was desirable to insert it.

MR. W. E. FORSTER thanked the noble Lord for the clause, which he preferred to his own Amendment, and hoped would be agreed to unanimously.

MR. BERESFORD HOPE hoped that this unnecessary clause would be dropped. It was in itself a truism, and he could not witness with satisfaction the adoption in England of a form of legislation of which the precedent could only be deduced from the doctrinism or despotism of the French Revolution. The duty referred to was one of natural law, and could only be weakened by being imported into a statute; while grammar, no less than more sacred matters, suffered by the introduction of rhetorical and sentimental expressions into Acts of Parliament. This clause would justify the vagabond father in saying that the law did not require him to clothe and feed his child; because, having consulted the statute in which his whole parental duty was laid down, he could only find a reference to mental aliment.

Clause read a second time.

MR. J. G. TALBOT thought it was contrary to the scope of English legislation to say, as was done by this clause, that it was the duty of every parent to do so and so for his child.

MR. CHARLEY moved to amend the clause by omitting the words "above the age of five years."

Amendment agreed to.

Question put, "That the Clause, as amended, be added to the Bill."

The Committee proceeded to divide :—

Mr. Leatham was appointed one of the Tellers for the Noes, but no Member appearing to be a second Teller for the Noes, the Chairman declared the Ayes had it.

Clause added to the Bill.

VISCOUNT SANDON said, he would now move that the Chairman report Progress in order that he might have an opportunity of making a statement with regard to a new clause which the Government had decided to bring up, instead of Clause 13. That clause, as the Committee would recollect, was a subsidiary clause, and one which he stated the Government felt some little doubt about, although the injustice, and consequently the evil to be dealt with was so very serious a one, that the Government felt, and he had stated so when he introduced the Bill, that it must be dealt with. He had then showed that there had been a great rise in the cost of schooling during the last five years. It had been clearly proved also that the pressure brought to bear upon the country by the Government, by means of the requirements of the Codes, which demanded highly-trained teachers, made it exceedingly difficult for the small and poor schools to get on. The Government insisted on a very high standard of education, which meant very highly-paid teachers, and in various ways they had raised the cost of education. He had accordingly brought forward a clause, which was known as the Poor Districts Clause. After a good deal of consideration and consultation, it had been found since that clause had been before the public that, although it met a good number of cases, still its operation was very unequal; for while it gave aid to districts which did

not particularly need it, other districts were left out in which the aid was wanted. The Government had, therefore, thought it better to abandon that somewhat complex scheme. He would again remind the House that the great rise in the cost of education had been pressed upon the Government from various quarters, which were specially informed on these matters, and the facts adduced could not be denied. It had been brought strongly before them by persons connected with education; and the London School Board, by a resolution passed by a large majority, had represented very strongly that the great rise in the cost of education was acting injuriously upon many of the best schools in London. So that, on further examination, it was found that the Government proposal was increasing largely the cost not only of the schools in the poorest districts, but in ordinary places, so that many good voluntary schools were likely to be extinguished—a thing looked forward to with alarm by some of the largest and best school boards—and the burdens on the local rates would be unduly increased in the cases of board schools. The total cost of schools was 35*s.* per child on the average. To cover this cost the child was able to earn from the State a considerable amount for average attendance, singing, good discipline, reading, writing, and arithmetic, history, geography, grammar, and needlework. That was the sound ordinary education which the public wished the children should receive. The amount that could be earned by a child in a school of that class was 17*s.* 6*d.*; but that represented a very first class national or board school. There were other payments made by the State for extra subjects, in science, botany, mechanics, languages, &c., which would enable a school to earn more than 17*s.* 6*d.* per head; but these might be considered the luxuries of education, which ought not to receive the same aid from the State as what might be called the necessities of knowledge. As the House was aware, at the present time the State in many cases made considerable deduction from the earnings of the child. It did not necessarily, by means of its proficiency, bring to the school the 17*s.* 6*d.* net, because if the locality did not provide one-half of the cost of the school or meet the Government subsidy by

fees and subscriptions, what the teaching of the master had enabled the child to earn was cut down. The State had adopted the plan of payment by results, but it had never worked the plan out thoroughly, or pursued it to its logical conclusion; and although the results were as good as the State desired, if the fees and subscriptions did not meet the Government grant, then the State cut down the payment which the child earned. When there were no school board schools the plan acted uniformly, and all suffered alike; but under the present system it acted very unequally because it did not affect the board schools. These schools had the pockets of the rate-payers to put their hands into, so that the masters and mistresses of the board schools were in a much better position than were those of the voluntary schools. The former felt that they could educate their children without any of those deductions. They had nothing to do with the fees of the parents or the liberality of neighbours, while the masters and mistresses of voluntary schools had the fear of those dreadful deductions constantly hanging over their heads, which took away the incentives to exertion, and were a constant disappointment and vexation to the best teachers and managers, and affected them not in proportion to their exertions, but to the poverty of their district. The present system, therefore, was a great check and discouragement to the teachers, and the proposal he had to make on behalf of Her Majesty's Government would, he believed, be hailed with enthusiasm by all the teachers in all the schools. It was clearly essential, if they held to their present system, to make some provision by which a subscription should be insisted on from every school in the country, as it was clearly wrong to allow the rich schools to be supported entirely by fees and the State—and to require from the poor districts the aid of subscriptions, just where there was most difficulty in getting any. But such a course would give rise to very serious difficulties. As he had said, about 9 per cent of the British and Wesleyan schools in England, and nearly 2 per cent of the Church schools, were supported entirely by fees and the Imperial grant. The principle of insisting on subscriptions had long ago, therefore, been abandoned, and the Nonconformist

schools took the advantage of the change, owing, he must say, partly to their own excellence, and also in a great degree to the superior class of children they educated. If, therefore, they insisted that so much should in their case come from subscriptions as the condition of their receiving the Government grant, they should be imposing a new burden upon a great number of the most efficient schools in the country, throwing them upon their own resources and obliging them to seek fresh sources of income. He must say that he did not believe such a course would be tolerated. He would now state the proposal the Government had to make. Taking as their basis that the by no means sparing education which was provided when the child earned the 17*s.* 6*d.* grant as representing a sound and simple education thoroughly good in every way, and such as the country desired, they said — "We will treat this class of schools upon a bold and intelligible footing, and say with regard to the great mass of those schools which give their children that sound education, we shall go simply upon the system of payment by results." To simplify the whole matter they would ask no questions as to where the money came from, but confine themselves to the all-important inquiry, Were the results of the teaching good? If the results were good according to the requirements of the Code; if the schools could show those educational results which the Education Department required to be produced, and if they were properly and suitably conducted, then they would ask no further questions and put no check upon teachers or children or managers in any way. If the schools produced certain results, they would receive the Government grant of 17*s.* 6*d.*, which represented a good, sound, general education throughout the country. That sum would be paid if it was earned, and he was sure the Committee would agree that Her Majesty's Inspectors might be trusted to see that it was fairly earned. As the Committee were aware, very few children could contribute more in fees, in the great mass of the schools, than 10*s.* per annum, leaving 7*s.* 6*d.*, at all events, to be supplied from some other source; thus, as a matter of fact, considerable aid would have to be provided from various quarters, and the principal effect of the change would be to relieve from

their present unjust treatment the poorer schools that could only get low fees and small subscriptions. But the Government proposed to go further, and say— "If any persons choose to establish higher schools, schools in which parents are willing to pay larger fees, or where benevolent persons for the benefit of their poorer neighbours like to give larger subscriptions, where higher subjects shall be taught, we shall put those schools in a different category, and make a higher grant if it be earned, but only on condition of its being met by higher fees or larger subscriptions according to the requirements of the Code." They proposed also to embody in the Bill the arrangement which was accepted by the House last year in respect of rural schools. In the Code it was provided that where the population was below 300 there should be extra grants given of £15 and £10, independent of their earnings. That provision, which was now law, would be introduced into the Bill so as to secure the advantage in question to these small rural schools of 40, 30, or 20 children; which were now more heavily handicapped than any other schools in the land, as they were obliged to have certificated teachers—teachers as efficient as many of the most favoured schools—whose salaries necessarily made these schools far more expensive in proportion than the larger schools. For that reason it was thought right that the State should make some extra provision for them. Such were the proposals he had to lay before the Committee, and he felt confident that the effect of the change, if it were accepted and carried out, would be to give additional vigour to the whole teaching staff of the country, to relieve a great number of the very best schools from unfair and unjust pressure, and he believed, that when its working was fully understood, it would be hailed and regarded by all parties as a valuable amendment of the present system. Looking at it from a broad point of view, he thought that the proposed changes would remove the most fertile causes of discontent, would get rid of one of the most irritating matters connected with the Government grant, for the administration of the Education Department would take away a serious check upon the exertions of the teacher, and give a fresh and healthy impulse to



sound and solid education throughout the country.

Mr. W. E. FORSTER said, that even if there were time remaining for the purpose the Committee were not in a position to discuss the proposals which the noble Lord had just laid before them. He wished to know whether the clause would distinguish between the two classes of schools mentioned—those which were to be restricted to 17*s.* 6*d.*, and those which were not?

THE CHANCELLOR OF THE EXCHEQUER said, he would read the words of the clause. It would run thus—

“Such Grant shall not in any year be reduced by reason of its excess above the income of the school if the Grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school, derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the Parliamentary Grant exceeds the said amount per child.”

The effect would be that if the child earned less than 17*s.* 6*d.* or 17*s.* 6*d.*, then the sum earned would be given; but if it earned 18*s.*, then that sum would be granted by the State; but as to the higher grants—the Government grants above 17*s.* 6*d.*—they would require to be met by the schools from their own resources.

*Motion agreed to.*

Committee report Progress; to sit again upon *Thursday*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

#### POOR LAW (OUT-DOOR) RELIEF.

##### RESOLUTION.

MR. PELL rose to call the attention of the House to the administration of the Poor Laws in England; and to move—

“That it is desirable to take steps to check the irregular bestowal of out-door relief with a view to the gradual diminution of such an encouragement to pauperism and improvidence”

when—

*Viscount Sandon*

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock.

## HOUSE OF COMMONS,

*Wednesday, 19th July, 1876.*

MINUTES.] — NEW MEMBER SWORN — Piers Egerton Warburton, esquire, for the Mid Division of the County of Chester.

PUBLIC BILLS — Ordered — *First Reading* — Inns of Court Procedure Amendment \* [258]; Forfeiture Relief \* [259].

*Second Reading* — Contagious Diseases Acts Repeal [55], put off.

*Select Committee* — Arklow Harbour Improvement \* [199], Colonel Makins added.

*Select Committee—Report* — Bow Street Police Court (Site) \* [191-257].

*Withdrawn* — Election of Aldermen (Cumulative Vote) \* [46]; Local Government in Towns (Ireland) \* [52].

#### PARLIAMENT—EXCLUSION OF STRANGERS.

##### OBSERVATIONS.

MR. MITCHELL HENRY: I wish, Sir, to bring under your notice a matter connected with the order of our proceedings. The First Order of the Day relates to a discussion which is likely to become annual in the House with reference to the Contagious Diseases Acts. The discussion of that question involves painful and repulsive details, inasmuch that three years ago an hon. Gentleman, no longer a Member of this House, in the exercise of his right, called your attention to the presence of Strangers. The House was cleared, and the doors were closed against all except Members and persons officially connected with the House. I do not think that such a course, if pursued now, would be in accordance with public opinion. But I believe that there are very few persons, whether in this House or out of it, who will not be of opinion that there are two classes of the community—namely, women and children—who had better be absent during this discussion. I would respectfully ask you, Sir, whether it is in your power, if you find it to be in accordance with the feelings of the

House and with your own desire, to close the Ladies' Gallery to-day. I think it is unfair to those Members of the House who have to take part in the discussion to subject them to an influence which cannot but be of a painful character. We are accustomed to abstain from or approach the discussion of a question like this with almost sacred delicacy, and I defy any hon. Member, unless his constitution be very peculiar, to discuss the details of the Contagious Diseases Act in the presence of ladies without great dismay and apprehension. There is another class of person, who, I think, ought to be protected—I mean ladies who may have come up from the country or elsewhere and sought admission to the Gallery without having the slightest notion as to what subject was to be discussed. Therefore, Sir, I would respectfully ask you whether you will, in the exercise of your authority, direct the Sergeant-at-Arms to pursue the course which is adopted by Judges at Assizes when indelicate cases are for trial, when women and children are ordered out of Court. In order to give other hon. Members an opportunity of expressing their opinions on the subject I move that the House do now adjourn.

SIR ALEXANDER GORDON seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Mitchell Henry.)*

MR. SPEAKER: I may state for the information of the House that there are two Galleries of this House appropriated to the use of ladies. One of these is under my direct control, and having regard to the subject-matter of the First Order of the Day I have directed that Gallery to be closed. With regard to the other Gallery, as the House is aware, it is available for the use of the friends of Members, under the orders of Members in the usual manner. I have not felt myself at liberty to close that Gallery; but I have desired the messenger in attendance to inform all ladies who may present themselves there of the nature of the subject about to be discussed. If after that caution they think proper to insist upon admittance, I do not feel at liberty, without the authority of the House, to exclude them. With regard to the admission of children, I may state

that last year I desired that some youths should be excluded from the Gallery, and this year I have desired that they shall not be admitted.

MR. CALLAN: I would ask the hon. Member to withdraw his Motion in order that I may present the matter in a different form. I think the course adopted some years ago would be endorsed by public opinion. Therefore, exercising the right vested in me as a Member of the House, I beg to inform Mr. Speaker that I espy Strangers in the House.

Notice taken that Strangers are present.

MR. SPEAKER: I wish to point out to the hon. Member before I act upon his notice that if Strangers are excluded from the House this will not affect ladies, because the Ladies' Gallery is not supposed to be within the House. Of course, if after that intimation the hon. Member persists in calling my attention to the presence of Strangers it will be my duty to act upon the notice.

MR. SWANSTON desired to explain that when, a week ago, he put down his name for an admission to the Ladies' Gallery he did not know what subject was to be brought forward for discussion on the present occasion. When he found what it was, he struck his name off and gave notice to the ladies, who were strangers to him, that they would not be admitted. He was glad that in doing this he had anticipated the Speaker's directions.

MR. P. A. TAYLOR: I think you, Sir, have taken the right course in notifying to the ladies the nature of the discussion, so that if they do not wish to hear it they may have the option of withdrawing. Further than that, I think the House would be wrong in expressing an opinion as to the fitness of the admission of any person of full age of either sex who wished to hear the discussion. I submit the ladies themselves are the best judges of the propriety of remaining. The fact that the Bill itself relates to women is too often ignored. There is nothing immoral, nothing necessarily prurient in this discussion. The analogy, therefore, that has been made as to the exclusion of women from a court of justice when an indelicate case is tried, is no analogy at all. Women, unfortunately, are the subjects of the legislation to be discussed.

to-day, and is the House going to say that women are not to feel an interest in what concerns their own sex, and are not to form their own opinion after listening to a debate on a subject so deeply interesting to them? I think the dignified and proper course is to allow women to be the best judges whether they will remain or not. There are many of them who have taken great interest in this matter. There is one gentle lady, the wife of a clergyman in Liverpool, who has spent her life in attempting to relieve the sufferings and to redeem the character of unfortunate women. The real evil consists in the immorality of these Acts, and those women who have come forward to save their sisters from these Acts should surely not be debarred from hearing the question discussed.

MR. MITCHELL HENRY: As at present advised, I shall deem it my duty to go to a division. I may be permitted to remark that ladies do not take part in these debates, and are present, therefore, only from curiosity. They can read the discussion afterwards; but Members are placed in a very embarrassing position by the presence of ladies.

MR. CALLAN thought it preferable that a few ladies should hear the discussion than that reporters should be present to report it. Then hon. Members had held out that ladies would be able to read the discussion afterwards—but he had that confidence in the Press that if the reporters were allowed to remain they would not report the debate, and therefore he again brought under Mr. Speaker's notice that he espied Strangers in the House.

MR. SPEAKER reminded the House of the Resolution of the 31st May 1875, and stated that he had, on a previous occasion during the present Session, explained that he considered himself bound to follow the practice prescribed by that Resolution, until otherwise instructed by the House; and that as no such instruction had since been given, he should proceed to put the Question, in pursuance of that Resolution.

And Mr. SPEAKER forthwith put the Question, "That Strangers be ordered to withdraw;" and it passed in the Negative.

Mr. P. A. Taylor

MR. MITCHELL HENRY said, he had gathered from the tone of the House on this Question, that it was not in accordance with their wish that he should press his Motion for the adjournment of the House, and after the remarks made by the Speaker he begged leave to withdraw it.

Original Motion, by leave, *withdrawn*.

# CONTAGIOUS DISEASES ACTS REPEAL BILL—[BILL 55.]

(*Sir Harcourt Johnstone, Mr. Whitbread, Mr. Stansfeld.*)

## SECOND READING.

Order for Second Reading read.

SIR HARCOURT JOHNSTONE, in moving that the Bill be now read the second time, said: Sir, I have to resume the unpleasant task which devolved upon me last Session. I am aware that the general feeling of the House is that these Acts have been passed for a good purpose, and that the discussion of last Session should not be re-opened. This feeling is not unnatural, because the subject of the Acts is of such a painful—I may say revolting—character, that it is a positive advantage to those who wish to retain these Acts to say—"Let us close our ears rather than that this revolting subject shall be brought up again." Therefore the supporters of the Acts have this uncommon advantage, while those who seek to repeal them have been, to a great extent, neglected by the Press of this metropolis. In the North of England we have the advantage of the local Press to ventilate our cause. But even if we were absolutely deserted by the London Press, I cannot forget that only two or three years before the abolition of slavery, the London Press refused (with one exception) to notice the efforts made in this country for the freedom of the slave. There are some in this House, and a great many outside, who do not know much about this subject for the reasons I have mentioned. They do not know the nature of the various Acts which have been passed, and that they have been gradually made more stringent in their action towards the weaker sex. It was during a time of great political excitement that the most stringent of these Acts came into force; and since that time three Departments of the State

—the Army and the Navy, and the Home Department—have combined in the endeavour to make these Acts efficient, and so far as the Departments are concerned I do not blame them. The Acts are before them, they have to administer them, and I do not say that they have exceeded their duty; I say they have performed their duty as well as they could under the circumstances; but the fact still remains that the three great Departments of the State have given all their influence in support of these Acts. And now I must allude to the Royal Commission of 1871, and some of the statements made in their Report. The Report of the Royal Commission admits so much that is offensive in the Acts that I feel bound to bring their statements before the House. One paragraph in the Report describes the purpose of the Act of 1866, in these words—

“It sought so far to control the conduct of prostitutes as to render the practice of prostitution, if not absolutely innocuous, at least much less dangerous.”

And the Commissioners also say—

“It is, perhaps, not surprising that this legislation should have given rise to serious misapprehensions of the objects and intentions of Parliament.”

I will also call attention to Paragraph 35 of the Report, which states that “the number of cases in hospital among the marine service” had decreased from causes wholly independent of legislative interference—

“These results, therefore, if they were attributable to legislation at all, were certainly not due to the legislation of 1866, of which periodical examination is the principle.”

Then, in the 37th paragraph, after condemning the manner of taking out the percentages from the averages, they conclude by declaring—

“There is no distinct evidence that any diminution of disease among men of the Army and Navy which may have taken place is attributable to a diminution of disease contingent upon the system of periodical examinations among the women with whom they have consorted.”

In the 48th paragraph they say—

“It is difficult, however, to escape from the inference that the State, in making provision for alleviating its evils, has assumed that prostitution is a necessity.”

There is one curious question which

never has been answered. The Royal Commission, having taken evidence more especially from those concerned in the administration of these Acts, and having to some extent overlooked the evidence against the system even of men like Mr. Simon, Medical Officer to the Privy Council, ended by the following recommendation:—

“We recommend that the periodical examination of public women be discontinued.”

How is it, I would ask, that that recommendation of the Royal Commission has been before the House and the country all these years and yet no Government has yet acted upon it? With this fact staring us in the face, how can the Government reconcile it to their duty and their consciences to pass over this recommendation? If the recommendations were carried out, no doubt the Acts themselves would disappear. Those who have interest in these Acts must do all they can to prevent these recommendations from being carried into force. What, then, is the position of the promoters of these Acts? It is alleged that these Acts are devised on sanitary grounds and on moral grounds also. There are some recommendations, which I do not care to follow up, by which these unfortunate women can be sent to reformatories. We assume to have made the wonderful discovery in the last 10 years that prostitution may be put down by legislation. Why, for hundreds and thousands of years the victims of this vice have been made the subject of legislative repression; but no Governments as yet have ever attempted to repress prostitution itself, without producing a revolt or re-action in the other direction. That is what has been done by past legislation. Are we to declare to Europe that we have found out a new system which will keep all straight and safe? The Continental system may have been founded on a most anxious desire to reduce disease. Do not imagine that we wish that disease should continue to exist as a punishment for the vices of man—that is not our position. If disease exists, it should be cured; and every opportunity should be given to those suffering from diseases of this character of getting cured. In various towns of Europe the localities to be inhabited by these unfortunate women are prescribed; their dress is prescribed,

and great care is taken as to the places where they shall walk. In Belgium and Italy they are examined weekly; and a soldier who denounces any woman as afflicted with disease is rewarded; therefore they reward a man who commits this sin. I think that the common sense and the right feeling of this country would hardly submit to the State deriving any revenue from licences to brothels; though I know that at Hong Kong there is a system of licensing brothels, the fees for which are paid to the Government. [The hon. Member then read from a pamphlet, at considerable length, the statement of M. Duprés, Professor of Medicine in Paris, and of M. Lecour, head of the department in Paris charged with suppressing this evil, to the effect that the system had utterly failed.] Unable to get more assistance from the Government, and being taunted by the doctors, M. Lecour comes to the conclusion, as the result of prolonged experience, that—

“We must nurse the hope that the rising generation will be better protected by religious teaching, by education, and the solicitude and authority of family life.”

I never heard such a confession of weakness; and yet it comes from the head of that powerful police, notorious since the days of Fouché up to the present time, for the perfection of their detective system. These men confess their inability to deal with these diseases, and the causes from whence they spring. There is a growing tendency in this House and in the country to place too much faith in State agencies, and to put everything upon the State. Why, it has even assumed the duty of parents in regard to education, as if in these days parents were so utterly lost to all natural feeling that they could not succeed in bringing up their children in the way they should go. But all these human efforts to compromise with definite principles of morality, personal liberty, and responsibility, and to bring them into harmony with the lowest desires of humanity must fail; for in such an attempt the baser motive always overrides the nobler, and expediency overcomes the instincts of purity and self-restraint. Well, if this is to go on, I do not look forward to a very happy state of things in this country. I do not think the example set by the middle and upper classes is at all satisfactory at this moment. Many years

ago it was said the Court was the highest tribunal of morality in this kingdom, and I trust it may long continue to be so. But 40 years ago Mr. Carlyle prophetically anticipated this very evil, and said—

“It were but blindness to deny that this superior morality is but an inferior criminality, not produced by greater love of virtue, but by greater perfection of police.”

These words, written 40 years ago, represent very accurately the state of things to which we are coming as fast as we can. Now let me take up the sanitary grounds on which the promoters of these Acts base their case. These diseases began to diminish long before these Acts were brought into operation. In fact, what is called “the more dangerous” disease fell from 32·68 per 1,000 to 24·73 per 1,000 between 1860 and 1866, when the first Act was passed. In this latest reliable Army Return—why I say reliable I will presently state—of 1872, we find the average has fallen to 24·26, or less than ·05 per cent in six years, instead of 7·95 per 1,000 in the six years before. The Army Report of 1873 says that there is a regulation by which the pay of soldiers is stopped while in hospital with this disease, and it is presumed that that fact has led to concealment; and Mr. Inspector Lawson has told me within the last month that from the year 1873 the Reports were absolutely unreliable, and I have no doubt he will say the same if called before a Committee of this House. With regard to the Navy, my right hon. Friend there (Mr. Hunt) will, no doubt, make a good defence, as he always does of everything he is called upon to justify; but if he has not had the advantage of these criticisms, perhaps he will allow me to read them to him. In the whole Navy there is no record of the proportion of the secondary disease previous to 1866, up to which date it was 15·7 per 1,000, and it fell, with intermediate fluctuations, to 12·8 in 1869, when the area of the Acts was largely extended. Three years afterwards it rose steadily until it attained the highest ratio of 18·3 in 1872. Since then it has fallen again—according to the latest Report in 1874—to 12·2, or only ·06 per 1,000 lower than in 1869, five years previously. Therefore, if my right hon. Friend is going to claim for these Acts a great diminution of disease in the Navy, I do

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not think his case is quite so good as he wishes it to be. The average of the whole eight years under the Acts has been 14·9 per 1,000, or only ·8 per 1,000 less than before the Act passed. With regard to the Navy, I do not think he will attempt to show a very strong case, and therefore it will not be worth while to contradict him. If you were able to draw a cordon round all these so-called protected stations, a cordon complete both in military and police arrangements, and if you had an examination daily, as suggested by some practitioners, of the whole population—say, for instance, that in every Union you had the medical officer going round in the morning and examining the whole population with the aid of his associates—I have no doubt you could arrive at a great check on the increase of the disease; but such things are impossible. I hold that it is actually impossible, unless you have a system which would be intolerable to the people of this country, and impossible, I trust, under the liberties we enjoy, so that it is wiser to dismiss these theories entirely, and allow the value of these statistics to be fairly argued, and put before this House and taken for what they are worth. [The hon. Member then read extracts from the Report of Captain Harris (*Parl. Paper*, No. 276), vindicating the conduct of the police in carrying out the Act—that, with a single exception, not a single charge of excess, or violation of duty, had been brought to his Notice.] But it is argued that the restoration of girls to the paths of virtue is to be attributed to the operation of these Acts. Now, I will ask the House and hon. Gentlemen opposite who oppose this Bill, where they see anything in these Acts which gives the Home Office or any other authority such a power of reclamation? I find that the managers of Rescue Societies and Female Reformatories, who have been engaged in this work all their lives—and they are persons who ought to know—say at the end of their Report that a large experience of the whole system only increases their conviction that it is “the greatest moral hypocrisy of the day.” These are not my words, but the words used by those who have been engaged in the work of reclaiming these poor creatures. Although the police imagine that by getting hold of these women

they prevent prostitution, the class of clandestine prostitutes is daily increasing; and the percentage of those admitted into the London refuges has increased from 21 in 70 to 60 in 1874. This bears out the statement of the police of Paris. About 10 days ago there was a remarkable compliment paid by *The Times* to a gentleman, lately a Government officer, who has been rewarded for his services, and who has from the beginning given an opinion that this system would not be productive of the results anticipated. I refer to the Report of Mr. Simon, when it was proposed to extend the Acts to the civil population. He is one of the most remarkable men in the Kingdom, and had considerable experience as a doctor before he became a Government officer. He says he believes it to be a fact that a large number of prostitutes escape supervision, and that any departure from the position hitherto held by the law with regard to the civil population will lead to embarrassment and disappointment. I hold that the argument which applies to the civil population should be equally applied to the military population. I grant that when you congregate enormous masses of men in a celibate condition, in towns full of vicious attractions, that class is more likely to be misled than the class which has the opportunity of marriage. I concede that to the promoters of these Acts; but I hold that the voluntary system as it existed before these Acts is far more likely to meet the objects in view than any system of State interference, espionage, and despotism, most repulsive to the feelings of many of us. With regard to the power which is claimed for these Acts, that they interfere with brothels, there is no such power under the Acts whatever. There was a power given in the Act of 1866 to interfere with places known or suspected to harbour diseased women. But to obtain this knowledge the police must keep up a constant system of correspondence and connivance with the brothel-keepers. Let us not be misled by any gloss which may be cast over this question. It is impossible for the police to keep themselves informed of the health or disease of these women, unless they are in continual communication with the owners of the brothels. On the one hand you have this reclamation denied by the managers of the Rescue

societies in London. On the other you see this attempt to suppress brothels, for which no powers are given under the Acts, and which ought to be left entirely to the local authorities; while at the same time the very people who say they are suppressing brothels, are keeping up a constant communication with them, and no doubt favour those from whom they get information for their special purpose. There is a further paragraph in the Report to which I must allude. It has reference to the question of introducing these Acts into places where they are not in force. There are two hon. Gentlemen in this House at this moment who represent those towns to whom allusion is made—the hon. Member for Liverpool and the hon. Member for Sheffield. I do not know whether they have had any correspondence as Representatives of those towns with the various Departments, but I cannot believe that there have been any public meetings in those towns asking for an extension of these Acts. I have yet to learn that that is the case, and I think the Home Office or any other Government Department would be ill-advised if they were to endeavour to put the Acts in force in the county in which I live. I will go a little farther North. Try to extend them to Scotland. Whether owing to her prejudices, or to the fanatical arguments we have used, I think if the local opinion of those towns were taken it would be found, so far from desirous to have these Acts, most uncompromisingly opposed to them in every quarter. Two nights ago, a meeting of 3,000 people was held in Leeds, which is now represented by two hon. Gentlemen on that side and one on this. At that meeting there was no distortion of facts. We do not require that. There was no misrepresentation or exaggeration whatever. We can afford to do without that and be content with the facts. That meeting unanimously pronounced against the Acts. And in every large town in the North of England you will find the same to be the case. What the feelings in the South may be I am not prepared to say, but my opinion is they are in a somewhat limp condition, and that no great movement for real social regeneration and social effort is likely to come from the South of England. One great argument against these Acts is, that they

have had no useful sanitary results, while the moral results are so small as to be inappreciable, for although the terror caused by the examinations may have sometimes deterred women from vice, they cannot, even on this point, produce the results of voluntary agencies. We ought not to rely upon the State in matters of this sort. The State, instead of encouraging and fostering public opinion, is more apt to paralyse local efforts and to interfere with local liberty. We have seen enough of it, not only this year, but for many years past. Everything is to be put on the Consolidated Fund. All local burdens are to be charged thereon. Everything is to be put into the hands of over-worked Departments; and, if this continue very long, we may as well shut up all our local shops and live in London altogether, and not take any active part in local life. There is a mixture of despotism and morality in the Acts which horrifies me. The despotism attempts first to cajole, and then threatens and terrifies into an organized hypocrisy, which varies from abject involuntary submission, to constant evasion and escape. I would ask hon. Gentlemen who are strenuous advocates of religious education, if they have greater faith in coercion than in voluntary works of charity? Are you not really playing in this matter fast and loose; hunting with the hounds and running with the hare? Are you prepared to apply your system of detection, spying, and police not only to one sex, but to the other? Because one of the main arguments in this case is that you are interfering with liberty, on the barest suspicion—sometimes less than suspicion, the merest fancy—of one sex, while the men go scot free. Are you prepared when you take up women to take up men, and act as they do in Massachusetts, where, with their somewhat barbarous ideas of liberty, they make prostitution penal for women, and also penal for men? That Act was passed only last year. If these laws are to be extended, let us know it, and not have insidious attempts of State Departments to introduce these Acts covertly—I say that, knowing well what I say—into those places where they are not in operation. There has been a covert attempt to introduce them unknown to any Member of this House. I have the facts in my possession, and can pro-

*Sir Harcourt Johnstone*

duce them if necessary. If we are to be subject to such attempts, I think those who sit on this side of the House must make some little stand for Constitutional principles. Now, the Whigs, especially in this House, made great efforts to secure civil equality. Cannot they trust local self-government? We have already granted to local bodies power to educate the people, and given them sanitary powers which are working admirably well. And I believe that powers for promoting objects of this character would be far better left to voluntary and local effort. I am bound to say in all these matters we are getting very much into the condition of States labouring under Democratic or Imperial government. I view with alarm these attempts to neutralize the good we have attained through much suffering and endurance, and by Constitutional and political struggles in this country. I fear we shall be handed over to the tender mercies of one central Department, which will watch over us from the hour we get up in the morning until we go to bed. And this will be called—I do not mean any reflection on this Government—a “spirited domestic policy.” We have done with a “spirited foreign policy,” and I do not desire to see a “spirited domestic policy.” I would ask hon. Gentlemen outside to contemplate the peculiar position in which we are placed. In Scotland, I am told, the State sanction is necessary to the marriage of any human being in the country, for the banns must be called in the State Church; so, the State on the one hand sanctions marriage, and on the other endeavours to regulate prostitution. How can you make the two things agree? Is it possible to imagine that the State can on one hand give its sanction to that which is a holy rite in every Church, and on the other hand can be regulating, not only for the Army and Navy, but for the whole civil population, that which is the most loathsome and revolting sin in the whole category of human sins? Well, Sir, I only wish the House were fuller, for I would show hon. Members that if they wish to make themselves masters of this subject, they must go through a course of reading which will be more instructive than pleasing. They should not be content with statistics obtained by Government agency, but should inform themselves

of the systems of foreign countries on both sides of the question. You who sit on the other side of the House are not the authors of these Acts. I believe if anybody is responsible for them, it is hon. Gentlemen who sit below me. Not being the authors of these Acts, I think you need not be accomplices in a system which cannot but injure the morality of the country, which has had no perceptible useful hygienic effect, and will only tend to the deterioration of the moral attributes and moral position of the English nation. I can point with some hope to the position which the Scotch Church, a portion of the Church of England, and nearly the whole Wesleyan and Nonconformist Bodies, have taken up in this matter. I do not think we can afford to deal with this question any longer in a cynical and contemptuous spirit—the spirit of indifference. The evil is unfortunately too prevalent at the present time. I think that it is our duty, who sit on these benches, to protest against these Acts. I hold them to be fatal to national life and national liberty; and, therefore, in moving the second reading of the Bill before the House, I beg to move the repeal of these Acts.

Motion made and Question proposed, “That the Bill be now read a second time.”—(*Sir Harcourt Johnstone.*)

MR. T. E. SMITH, in moving, as an Amendment,

“That, considering the time which has elapsed since the Report of the Royal Commission, it is desirable that the subject of the Contagious Diseases Act be referred to a Select Committee,”

said:—Sir, I can assure the House that it is with no desire to procrastinate this discussion, or to introduce any new element of controversy into what we all feel to be a most distasteful and repulsive subject of debate, that I have ventured to put a Motion on the Paper with regard to the Bill now before us. But I did feel, Sir, that it might not be improper in a private Member, who has never taken part in the controversy which has raged on this subject, and who has never publicly expressed any very strong opinion on this matter, to place a Motion on the Paper which would enable us to suggest to Her Majesty's Government the desirability of considering whether it is not in their power to take some steps which may tend to remove this



very objectionable subject from the arena of political discussion. I am sure it must be most distasteful to right hon. Gentlemen, to whichever political Party they may belong—because the action of both political Parties in this matter has been the same when they have been in office—to have, year after year, to come down to this House and defend Acts which they know to be most repulsive to the conscientious feelings of a large number of the inhabitants of this country, of the morality of which Acts I am sure they will themselves have considerable doubts. And I think we need only look at the limited attendance here to-day, and to the limited extent to which the Government is represented on the benches opposite, to feel how unwillingly right hon. Gentlemen come down to support the Acts in question. And I am sure it must be equally distasteful to those who take a different view of the subject to have to expose the abuses which they believe to exist. I think that especially to those who object to these Acts must it be disagreeable to have to enter on the subject, because they are most of them Gentlemen who take a very keen interest in the promotion of the movement for the female franchise and introduction of females into the conduct of public affairs. They must be well aware that the controversy on this subject, and the periodical literature of various sorts to which it has given rise has tended more than anything else to impede the movement for the promotion of female political education, and has hindered more than anything else the chance of women attaining the position as citizens of this country which they desire for them. Therefore I think both Parties must feel that it is most desirable that this matter should, if possible, be brought to a close and removed from the arena of political discussion. I venture to appeal to Her Majesty's Government most strongly, and hope that they will see their way to some sort of inquiry, either by a Select Committee, a Royal Commission, or otherwise, which may put the case clearly before those who take an interest in it, so that the time may come when we shall hear nothing more on this repulsive subject. Now I know it may be said that the appointment of a Select Committee, or any other inquiry, is quite unnecessary, because the subject has been already in-

vestigated, and that we have full evidence on the subject. Well, Sir, the inquiries which have taken place into this matter have been of a very curious character. There were inquiries at the early stage of this legislation, to which public attention was very gradually directed, and of the existence of which very few people were aware. Those inquiries came to a conclusion in favour of the Acts, and in consequence the Acts were gradually extended, until in 1869 the strongest Act, and the one to which the greatest objection is felt at this moment, was passed. Then public attention was aroused and public feeling awakened. A Royal Commission, composed of Gentlemen of considerable experience, and in whom the Government of the day had every confidence, after sitting a long time, produced a Report in which they distinctly recommended that the Act of 1869 should be repealed. And they made various other very strong suggestions. Well, what has been the result? Her Majesty's Government—I am not speaking of the present Government, but of the Party then in office—Her Majesty's Government have treated that Report, I may say, if not with contempt, at any rate with indifference. That any subject should have aroused public attention, that great attention has been called to it, and that there should be a warm feeling in connection with the subject, that that subject should have been referred to a Royal Commission, and been seriously and carefully investigated, that Her Majesty's Government should for five years not only have passed over the recommendation of that Royal Commission with indifference, but should have carried on, in defiance of that recommendation, a system of administration which had been distinctly condemned by that Royal Commission, is matter requiring more investigation. I know it may be said in asking for some further investigation I am not tending to reduce the interest in the matter, but rather to increase it; and that may be so when the inquiry is going on and the Committee is sitting, but I do believe that that is the only way in which we can come to any conclusion upon the matter. It is hopeless to expect after the divisions that have taken place in this House, that the Bill of the hon. Baronet the Member for Scarborough (Sir Harcourt Johnstone) is likely to ob-

*Mr. T. E. Smith*

tain a second reading without any further investigation of the subject. I think that it is unreasonable to suppose that the House will pass the Bill of the hon. Baronet without even those in favour of it requiring further investigation; but at the same time I think it is hopeless for Her Majesty's Government to retain these Acts in operation while there exists in the country such a strong and determined feeling against them, and while these Acts violate the religious convictions of a large section of Her Majesty's subjects. If the Government believe these Acts to be good, and wish to continue them in peace and quietness, the only way in which they can obtain that result is to deal fairly and honestly with the country, and to show the good cause which they believe these Acts to possess, and not to shrink from any investigation as to the manner in which the Acts are worked; because so long as there is any reticence about the operation of these Acts, it is perfectly clear that the country at large will not believe that the Government have the good cause they represent themselves to have. What is the case that the Government put before us? It is a case which is very plausible. In the first place, it has been said that it has been examined; but I think that it is hopeless to imagine that the country will be satisfied with a merely official Report—an official Report and composed—I do not wish to say anything in an offensive sense—but written and composed by a partizan of the Acts, and hardly composed in the judicial and impartial spirit which we might venture to expect in a Government Report on a subject of so much controversy. I know—and every one in this House knows—that we have every reason to have full confidence in the accuracy and truthfulness of the Government Papers which are composed by their officials. I do not suppose that any hon. Member will get up and say that a Government which commands the confidence of the country would venture to lay upon the Table of this House a Return which was not genuine, or believed to be genuine. But we must be aware that when the thing goes before the country at large, to people who do not know so much about the conduct of Public Business, this Report will be regarded simply as a partizan statement on the part of the Government, and while giving full credit to the

Government, that Report cannot command the full confidence of the country as a statement of facts. But when I look at the Report myself, I cannot but think that it is a very half-and-half statement with regard to the operation of the Acts, giving us by no means a full account of the operation of the Acts. What we want to know is—what has been the operation of the Acts as a part of our legislation; what has been done by these Acts which has not been done in any other way, and what has been the complete operation of the Acts. Now, in both these respects the Returns are singularly deficient. Everybody must have read the details which Captain Harris has given of the beneficial moral effects which the police have been able to exercise in the country. I am afraid that the police have too long delayed devoting their attention to preventing men getting drunk, and other things of that sort; but we have at length discovered that the police are great guardians and promoters of the morality of the country. I am very glad of that. I believe it is a very great duty which the police perform with great efficiency. I believe they have opportunities of doing great benefit to the country when they see sin and wickedness to warn the people; but I have yet to learn that it is necessary to pass a Contagious Diseases Act to enable the police to exercise this beneficial influence upon the country. I should have thought when a policeman saw a young woman indulging in vice, he might warn her against the evil which was likely to ensue quite as well if the Contagious Diseases Acts had not existed. Therefore, I think that it is unfortunate that Captain Harris, in showing the virtuous action of the police, in a Return which was not intended to display the virtuous action of the police, but the practical operation of the Contagious Diseases Acts, should have dwelt so much upon feeling and imagination. Then we come to other things which are based not so much upon feeling and imagination—because there must be always an element of imagination in connection with these Reports—namely, the facts and figures; and we find one or two figures which I think may tend in favour of the Acts. We find, for instance, that the amount of prostitution in the towns under the operation of these Acts has considerably diminished. Well,

Sir, that seems to be a great advantage; but we know also from the experience of other countries, that wherever such regulations have been in operation, the amount of registered prostitution always does decrease. But there is something more we want to know—what is the amount of unregistered prostitution in these towns? I believe it will be found, in France especially, and by the experience of other countries where similar Acts have been passed, that there is a very large amount of unrecognized prostitution, and consequently a very large amount of untreated disease; and it is giving an unfair statement of the amount of prostitution—judging by the analogy of other countries—to rely upon the amount of unfortunate women who have been brought under the police superintendence during the course of the year. Well, then, the next thing we find is that the public-houses and beer-houses, which are the haunt of prostitutes, have ceased to be so, and that there are none, or next to no public-houses or beer-houses which are now the habitual resort of prostitutes for the purposes of prostitution. I was under the impression that under the licensing laws all the public-houses and beer-houses were prevented from being used for the purposes of prostitution or being the haunt of prostitutes; and therefore I am at a loss to know why we want the Contagious Diseases Acts to carry this out. I believe that if the police had done their duty in former days, and with the same zeal in other places as they do where the Contagious Diseases Acts are in operation, these beneficial results might be arrived at although the Acts did not apply to these places. But then we find there is a considerable improvement in the diminution of the number of young persons who are leading this immoral life. Well, then again we come to this, that the police have it in their power to warn, and seriously warn, young persons—who are more amenable to advice and suggestion and are more afraid of the terrors of the law—from the consequences of the life they are leading. But all this can be done without the operation of the Contagious Diseases Acts. But then we come to offe point—the point on which the Royal Commission particularly bases its recommendation for the repeal of the Contagious Diseases Act of 1869—and that is the

large amount of examinations which have gone on under the provisions of this Act. And I do not think, Sir, that it is necessary for me to enter into the religious, nor, perhaps, the social questions which are necessarily bound up in this matter, because I believe that they will be much more strongly and better dealt with in the course of this debate by other hon. Members; but I wish to call the attention of the House to this—and it has not obtained sufficient attention in the consideration of the effect of these Acts—the great political evil, as apart from either the religious or social evil—which I believe to exist under the maintenance of these Acts in their present form. I believe it is a matter quite unknown in English history, and quite unknown in English legislation, that a large section of the community (who have not committed any offence against the law, or kept disorderly houses, or been a nuisance to their neighbours) should—however great the vice of prostitution—be treated as criminals, although the simple fact of prostitution has never been considered a crime to the law of England. I say it is a great political evil that those who have not committed any offence against the law should be subject to police surveillance by Act of Parliament, and I very much object to one class of the people being under such surveillance. It has been said that, after all, publicans and the keepers of public-houses are subjected to a similar surveillance. But that is an entirely different case. They have entered into the trade without any temptation, without any need, not from circumstances of necessity, but of their own free will, and they have obtained in return a share of the valuable Government monopoly. But this is a perfectly different case; for I find from the Returns that something like 1,000,000 examinations have taken place of a repulsive and disgusting character, and the persons subjected to them having no power to remove themselves from the operations of the Act. Now, I have heard some strong arguments used with regard to these examinations. Some people say—“Oh, the examination is nothing.” Others say that, “These unfortunate women are not the people to object to an examination.” And then, again, we have people speaking of these examinations “as being offensive and

*Mr. T. E. Smith*

disgusting in the extreme." Of course, it is not for me, who am not a medical man, to express any opinion upon the subject, and I would rather turn to the Report of Captain Harris as to what the nature of these examinations is. Suffice it to say that Captain Harris says most distinctly what the opinion of women is upon the subject, because he more than once shows how the dread of these examinations exercises a great moral influence in deterring a woman from prostitution. Now, it is perfectly clear that whatever these examinations are, in the minds of the women who are leading such lives they are repulsive and disgusting in the extreme. This being the case, I do hope that Her Majesty's Government will take it into their consideration whether they cannot do something to put an end to this, and to show distinctly what they have to say in favour of the Acts, that we might see the subject cease to be a subject of controversy. It is one of the most painful, disgusting, and offensive subjects that has come before the House. I have ventured to express the opinion of a private Member on the matter, and it now only remains for me to move the Amendment of which I have given Notice.

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "considering the time which has elapsed since the Report of the Royal Commission, it is desirable that the subject of the Contagious Diseases Acts be referred to a Select Committee,"—(*Mr. Eustace Smith*.)

—instead thereof.

**Question proposed,** "That the words proposed to be left out stand part of the Question."

**SIR CHARLES LEGARD:** Mr. Speaker—Sir, I feel I owe some apology to the House for venturing to address it on this occasion, and I can assure you, Sir, I do so with great regret, and I should like to say at once that I hope my hon. Colleague will not for one moment believe that I have undertaken the task from any feeling of opposition to himself, but simply and entirely on account of the strong impressions I hold on this subject. Sir, three years ago I had paid very little attention to this unsavoury subject, until the right hon. Gentleman the Member for Halifax (*Mr. Stansfeld*) held a meeting in the borough I have

the honour to represent (*Scarborough*), agitating for the repeal of these Acts; since that time I have consequently taken no little trouble to inform myself as to the statistics and details, the rights and wrongs bearing upon this important subject, and I must ask the indulgence of the House for a short time whilst I state the grounds on which I oppose the repeal of these Acts. And, Sir, having reference to the fact that Petitions have been presented to this House, purporting to emanate from public meetings, I cannot refrain from saying that I think that it is to be deeply regretted that those who have taken so prominent a part in the agitation for the repeal of these Acts, and who caused those meetings to be held, did not hold them in districts in which the Acts are in active operation, instead of travelling about the country and visiting places, hundreds of miles away from the districts where the Acts are in force, endeavouring to provoke feelings of hostility amongst people who are consequently the least acquainted with what I say are the beneficial operations of these Acts. And I am strengthened in this view by what fell from my hon. Colleague, when he said that the Press in the North of England was strong enough to carry the repeal of these Acts. Sir, why should the Press in the North of England, where the Acts are not in force, know more about these Acts than the Press in the South of England, where the Acts are in force? Sir, if any hon. Member takes the trouble to look back to the year 1853, when the ravages of the contagious diseases in question first aroused the attention of the military and naval authorities, he will find that the time had indeed arrived when it would have been greatly to be deplored if a disease had been allowed to go on increasing and unchecked in our large seaport garrison towns to an extent unknown in any other part of the world. A disease so destructive of health and happiness, and by which an acquired constitutional taint, may be, and, alas! too often is, transmitted to generations yet unborn. Sir, I find from the Army Medical Report of 1859 that assuming the mean strength of the Army at that time to be 90,000 men, the inefficiency from syphilitic disease would be equal to 2,417 men for the whole year, or equal to three regiments

The consequences were so great that in 1862 a Special Committee was appointed to inquire into the prevalence of syphilitic disease in the Army and Navy. The Committee, at the conclusion of the Report, dated the 15th of December, 1862, stated—

“That they had refrained from entering into the painful details which had come to their knowledge of the state of our naval and military stations at home as regards prostitution, the facts were so appalling that they felt it a duty to press upon the Government the necessity of at once grappling with the mass of vice, filth and disease, which surrounds the soldiers' barracks and the seamen's homes—which not only crowds our hospitals with sick, weakens the roll of our effectives, and swells the lists of our invalids, but which surely, however slowly, saps the vigour of our soldiers and our seamen, sows the seeds of degradation and degeneracy, and causes an amount of suffering difficult to over-estimate.”

Sir, the result was an almost universal desire, spread over the country, for some preventive legislation against these diseases in our seaport garrison towns, and the advisability of some legislation was acknowledged by many persons, distinguished as much by their eminent Christian benevolence and practical wisdom, as by their high social position and legislative experience. I shall refrain from entering, as much as possible, into statistics on this subject, as I have no doubt that the right hon. Gentleman the First Lord of the Admiralty can do so if he considers it necessary; but as a great deal has been said about the tyranny of the police, and most sensational statements have been circulated throughout the country about the manner in which innocent and virtuous women have been seized and examined by the police, and cases have been brought forward in publications and speeches at public meetings, not only of cruel insults to innocent and respectable women, but of repeated wrongs to the unhappy women who have been, and are, subjected to them, I should like to say a few words on this subject. The constables employed in carrying out these Acts are all selected out of the whole body of the metropolitan police—they are all, I believe, married men, and are certainly all men of tried and unexceptional character, and it is quite erroneous to suppose that any of these constables can go up to any woman they may see in the street and carry her off to be examined. Sir, an official inquiry has been made into every case in which

names and details have been given, and the persons who have made the statements have been requested to substantiate them. In some cases the persons thus challenged have refused to come forward; in others, the explanations given have been mere hearsay, or more or less frivolous. It is now five years since the Report of the Royal Commission was published, and the result of the inquiries has been to satisfy the authorities that the police are not chargeable with any abuse of their authority; that they have discharged a painful and a difficult duty with moderation and caution; that they have made no mistakes in summoning innocent and virtuous women to be examined; that the charges thus rashly made and repeated have no foundation, but have contributed in no slight degree to excite public indignation against these Acts. Sir, I will now, with the permission of the House, examine some of the statements put forward by hon. Members who oppose these Acts. It is said that the first principles of our constitutional regard for the liberty of the subject are violated by these Acts, in the so-called voluntary submission by which the woman is urged, and in many cases entrapped, into criminating herself. Sir, so far from there being any good foundation for these statements, I maintain that these Acts are so administered as to render it practically impossible for the woman to be entrapped into criminating herself, and for this reason the police are strictly instructed not to give notice to any woman to appear for examination, except on such proof of her being a common prostitute that they can, if required, substantiate the facts on oath before a magistrate. Before the examination takes place the woman must sign a voluntary submission, which is carefully read over and explained to her by the inspector of police, and I may add that every examination takes place in the presence of a female attendant or nurse, and no other person can be present. The Report of the Royal Commission very well says that the temporary suspension of personal freedom in case of a diseased prostitute,

“Such suspension being strictly measured by the time required to effect the patient's cure, and accompanied by no restraint unnecessary for such purpose, is not to be regarded as an infringement of a great constitutional principle.”

*Sir Charles Legard*

Another statement which is urged by my hon. Colleague and others who oppose these Acts is, that they are flagrantly unjust and one-sided, because they impose upon women the gravest penalties from which men are entirely exempted. I am aware, Sir, it has been suggested on grounds as well of justice as expediency, that soldiers and sailors should be subjected to regular examination as well as women. I believe this is done in many regiments; but without discussing the practicability of the suggestion, I venture to think there is no comparison between the cases of prostitutes and the men who consort with them. With the one sex the offence is committed as a matter of gain; with the other it is an irregular indulgence of the human frame. Another of the statements put forward by the opponents of these Acts is—

“That as the women go through the streets to the examination room they are the subjects of cheers or gibes, according to the character of the spectators, and that men of almost every rank are to be seen waiting outside the examination rooms for the women who shall be allowed to pass out, as being safe for that day at any rate, or they would not be allowed to go at large.”

Now, Sir, irrespective of the gross improbability of this statement, can it be believed that the visiting surgeon or the police would permit such conduct? No, Sir, the result of my inquiries on this point satisfies me that there is no truth whatever in the assertion. As a rule, persons are never seen waiting near the examining rooms, and the only exceptions to this have been when the agents of the Repeal Association have posted themselves near the doors, and accosted the women on their way to and from the examination room. And I may add that the women made no opposition to these Acts until they were excited to do so by the Repeal agents, and I think, Sir, it can be readily understood that among women of this class, never accustomed to control or restraint of any kind, there will be found some who may be easily induced by persons whom they look upon as superior in position and intelligence to themselves, to defy or evade the law. It has been stated that these Acts are, medically speaking, a failure. If, Sir, this be so, it is indeed strange that the medical officers of the Army and Navy who must be necessarily special judges of the relative amount of

syphilitic disease in their regiments or ships at different times and under differing circumstances, and who have no interest at all in any preventive measures, except so far as they are found to affect the health of the men in the public service, have arrived at, I believe, the unanimous conclusion that the Acts have caused a great reduction of disease in the protected towns in the United Kingdom. In 1872, Lord Aberdare, who was the Home Secretary, said—“Although there was a difference of opinion on the moral effects of the Contagious Diseases Act, the general conclusion to which he had arrived was, that its effects in preventing women from entering on a profligate life was so strong and so great as to make the moral good prevail over the moral evil.” He also admitted “that the evidence given by both naval and military officers was conclusive to the effect that there was a great diminution in the amount of prostitution. The most blessed effect of the Act was that it had almost entirely put a stop to that most horrible form of vice—juvenile prostitution.” And, Sir, I will take this opportunity of saying that I find from the 14 towns included in Dr. Balfour's tables presented to Parliament, now under the Acts, that the average ratio of primary syphilis in the four years ending 1863, previous to any preventive legislation, was 129 per 1,000, in the four years ending 1873, 53 per 1,000. In the 14 towns included in Dr. Balfour's tables, never under the Acts, the average ratio for the four years ending 1863 was 121 per 1,000, for the four years ending 1873, 107 per 1,000. In the coastguard ship at Southampton, where the Acts were first applied in 1870, the ratio of primary syphilis has fallen from 104 per 1,000 in 1868 to 26 per 1,000 in 1873, the mean ratio for the four years in which the Acts have been in force having been 31 per 1,000. In the coastguard ship at Hull, where the Acts have never been in force, the ratios have varied since 1867 from 111 and 155 per 1,000 to 100 per 1,000, the mean ratio for the four years ending 1873 having been 124 per 1,000. I should just like to refer to Winchester, as the state of that town was very alarming in 1866. The Acts were first applied there in 1870, in that year 163 women were sent into the Lock Hospital at Aldershot, and 143

individual women were put on the register for the first time; in 1875 only 28 individual women were registered for the first time, and 12 only were sent to the Lock Hospital. In 1873, 179 girls between the ages of 12 and 18, and 117 women between the ages of 18 and 30, who had been found in bad company and improper places, were rescued by means of the police employed under the Acts. There were also 219 who had commenced immoral practices, but who discontinued to do so on being cautioned by the police, and were consequently not registered. I need not mention the numbers which were saved in 1874, as they were stated last year, but I find from the official Report just presented to Parliament, that 374 young girls and women were rescued and prevented by the police in 1875 from a sinful life. These together form a total of 889 girls and young women prevented in the course of two years from beginning a life of open infamy. There can be no doubt as to the accuracy of these statements, which are published by Captain Harris, assistant commissioner of police, and they can all be verified by inquiry. Sir, these are facts and statements, few I admit, but the importance of which it is impossible to over-rate; and I think instead of hon. Gentlemen abusing these Acts, and wishing to have them repealed, we ought rather to be thankful when we reflect that they have both directly and indirectly promoted the objects of sanitary and municipal police. When we reflect that they have also purged the town and encampments to which they have been applied of miserable creatures who were masses of rottenness and vehicles of disease, and provided them with asylums where their sufferings could be temporarily relieved, even if their malady was beyond cure, and where their better nature was probably for the first time touched by human sympathy, then I say when we hear of appeals being made to the wives and mothers of England, to prevent the coming snare of vice being made easy to the rising youth of this country, let that appeal go forth for what it is worth, but let the House of Commons remember, and let the wives and mothers of England remember that the question we have to weigh in the balance to-day affects not so much the present as the future generations. We must place in one scale the

repeal of these Acts for injuries and wrongs, imaginary or real, inflicted on those affected by these Acts, and on the other scale we must place a diseased and disabled people; a disease which may not confine its ravages to him immediately sharing in the sin, but which may inflict a terrible and lasting punishment on an innocent wife and mother, a disease which destroys the peace of the living, and the health and the happiness of those yet unborn. I must thank the House for the kind indulgence it has given me, and I will only add in conclusion that I think we ought to bear in mind that great evils must be remedied by measures sometimes apparently harsh; but that ought not to prevent us from giving them our support, when by so doing one of the most inveterate maladies to which the people of this country can be exposed is greatly diminished, and by which the innocent are often involved in the consequences of the guilt of others. And, Sir, it does appear to me that we have no reason in 1876 for voting against the Acts which have done much to eradicate a disease, that it shall no longer supply such a large proportion of patients to our hospitals, nor corrupt and poison the very life-blood of countless thousands of our people.

MR. STANSFELD: Sir, we have already heard in the course of this debate of the difficulties of this subject under discussion. Attempts were made to clear the Speaker's Gallery because the subject was considered one which it was so difficult fitly to speak upon in this Assembly. I would put it to the House, what must public opinion think of a law which we hesitate to discuss with open doors? Sir, no man can be more conscious of the difficulties of this subject than I am, for I suppose that no man has more often taken part in its discussion. But the difficulties that I feel do not in any degree depend upon the delicate, or, as some will have it, the repulsive nature of the subject. Those difficulties vanish for the serious-minded man, who is impressed with the moral gravity of the subject, and who addresses the public upon it under a sense of responsibility. Sir, the difficulty which I have felt, and which I feel to-day, arises from total considerations. The difficulty arises from the very vast

*Sir Charles Legard*

ject and its many sides, and because I know the disinclination which exists in many minds to look into the question, and fairly to take in and to appreciate the arguments adduced against this legislation. Now, we who oppose the Contagious Diseases Acts have been called fanatics, and I admit to you that for the time being the very persistence of our conviction exercises a repellent effect on the minds of those who are not disposed to argue or even to listen to us. So much so that I have often remarked that because of this so-called fanaticism on our part hon. Members in this House, and many men out of this House, are disposed to take anything and everything for granted in favour of this legislation, simply out of reaction against us who seek to compel their attention to it. They take everything for granted in its favour, they believe certain things without having any real grounds of conviction at all, and they believe that they know without having studied any of the evidence of the subject. Now, Sir, one of the strongest evidences, to my mind, of this condition of mind among many persons is, the implicit credence given to the statements contained in police Returns—I do not mean the credence given to any mere statements of facts, but I mean the weight given to these statements of facts as evidence of the efficiency and the moralizing influence of this legislation. I do not propose to go into this part of the question at any length to-day, because I should trespass too long upon the patience of the House—and that part of the question has already been dealt with by my hon. Friend who moved the second reading of the Bill, and will, I dare say, be dealt with again by other hon. Members before the debate is closed; but I would say in reply to the hon. Baronet who has just addressed the House (Sir Charles Legard), that there is no clause in any of these Acts which gives the metropolitan police, or any other police, any power to suppress brothels, or to reclaim prostitutes, and that whatever influence they may choose to exercise, either directly or indirectly, in reducing the number of brothels, in warning girls or in reclaiming prostitutes, <sup>it should be exercised precisely to that</sup> ~~that~~ and effect, if the Contagious Diseases Acts were not in existence certain things which

I desire very much to state, and, if I can, to demonstrate to the House, if it will grant me its patient hearing. I wish to show, as distinctly as I can, the origin of this legislation—the ideas and expectations in which it originated. They have been referred to by the hon. Baronet (Sir Charles Legard) who has just spoken. I want to prove to the House that, in spite of the figures which he has placed before them, these expectations have not been realized. The question before us, practically, is not whether we will maintain the *status quo*, and, for the sake of Army and Navy efficiency, retain these Acts in our garrison and seaport towns. In my opinion it is not possible for us, for any length of time, to hold that ground. I believe these Acts will be extended if they are not repealed; and I will give the House my reasons for that belief. Then, Sir, I desire to point out, from Continental experience, the demoralization which is certain to result from the prolonged existence of a law, whether partially applied or extended to the whole country, such as the law which now exists; and I speak of demoralization not merely in the ordinary sense—in the sense of sexual morality or immorality—but of demoralization in the sense of the destruction of all notions of liberty, of law, and of justice in this land. We are sometimes asked, what substitutes we would propose for the Contagious Diseases Acts. We are not bound to propose substitutes for a law which we hold to be altogether evil. If substitutes are held to be necessary, then it will be for the Government of the day to propose substitutes. But though I can recognize no obligation in this respect, I do not shrink—so far as the expression of my personal opinion is concerned—from stating clearly to the House the principles with reference to which I, for one, should discuss and consider any substitutes which might be proposed for the existing legislation in this matter. There is one more fact which I wish to state before I address myself to my argument, and that is, the fact that the opposition to this legislation is no longer confined to our own country. A common evil and a common danger have made other countries unite with us in a common cause, and the movement against the State-sanction and State-regulation of sexual vice, has ex-



tended into many lands besides our own. It has extended not only into other countries of Europe, but into the Colonies, and into the United States of America; and, at this moment, the movement is making great progress, both in the Republic of Switzerland and in the Kingdom of Italy. In the Kingdom of Italy a Commission, similar to the one which sat in this country some years ago, is now engaged in considering all the regulations which govern the conditions of prostitution in that country; and, Sir, I feel bound to say to the House that those in this country and elsewhere who have thus banded themselves together in what they hold to be a good cause—are not unconscious—none, indeed, can be so conscious—of the enormity of the task which they have taken upon themselves; but they have taken it upon themselves, moved by a profound sense of duty, of fidelity to the highest principles which ought to guide our actions in this life, and they do not feel it permitted to them to relax their efforts. I will now, with the leave of the House, turn to the first of my subjects—the original object of the introduction of this legislation. Now the original object was to promote the efficiency of our military and naval Forces. I know that that object has been widened—and I will not forget that as I go on—but the original object, the justification in people's minds, of this legislation as far as it goes (for it is confined to these districts around our military and naval stations) was the preservation of the efficiency of our Army and Navy Forces. The hon. Baronet who spoke last has referred to the conditions—frightful conditions—of disease in 1853; and, no doubt, from that reference he is equally conscious of the large expectations of improvement which were held out at the time when the Act of 1864 was first introduced. My proposition is that these expectations have not been realized; that their realization has not been even approximated, and I do not think any man really aware of the extent of the expectations in those times, and familiar with subsequent figures, can deny my proposition that these expectations have not been realized, even upon the Returns and figures of Government themselves. Now, I take the Government Returns, the Army and Navy Medical Reports. I am

about to question any figures in those Reports. I am about to enter into no close or doubtful calculations. It appears to me that the classification of disease might in minor points be contested; but I will deal with the thing largely, and I do not think my right hon. Friend who will follow me will find any reason to question the accuracy of my statement. I will avoid the use of medical terms—I have never found it necessary to use medical terms. I will first point out that the Army Medical Reports divided the diseases caused by sexual vice into two heads, and without giving the medical names, will characterize the one as “the less” and the other as “the more serious class.” With regard to the less serious class, it is not only explicitly admitted, on the face of the Army and Navy Reports, but shown by these very Reports, that no diminution has followed, as a consequence of the enactment of these Acts. That is with respect to the less serious class of disease. With regard to that which is called the more serious class of disease, there is a decrease. Now, that decrease has often been exaggerated to my mind. But I will not for the moment deal with the question of that exaggeration. There is a decrease, but whatever that decrease may be—whatever proportion of that decrease may be due to the influence of the Contagious Diseases Acts, and whatever proportion to a continuation of the decrease which was previously going on from year to year, and which was due to causes entirely independent of the Acts—whatever those proportions may be, my proposition is, that the decrease is in the less serious cases only of this more serious class. I will give the House what, to my mind, is a proof of the accuracy of my proposition. I turn to the Army and Navy Reports to find out what has been the effect of this legislation upon the disease, upon which the hon. Baronet who has just spoken was so eloquent—

“that constitutional disease which permanently affects the constitution of the man, which affects it may be his innocent wife or generations of children yet unborn.”

turn to these figures I find  
whole Army, of which  
now stated to be  
there is no re-  
serious cases.

Inspector General Lawson has questioned this statement. What is the result according to his calculation? It is simply this—that whereas I have said that in the year 1866 the admissions to the hospitals in respect of the more serious cases of constitutional disease were in the proportion of 23·39 per 1,000, and that in 1872 they were in the proportion of 24·26, the real facts were that—taking into account cases which I have omitted because they were, so to say, concealed under other names—the admissions for the year 1866 were in the proportion of 24·8. That is to say, 24·8 instead of 23·29. Well, I really do not think we need deal with decimals in a matter of this kind. I do not think my right hon. Friend would justify this exceptional legislation on the ground that as far as the Army Medical Reports show, there is a decrease of a decimal in the admissions to the hospitals, in respect of the more serious cases of constitutional disease. I think we really must deal with the matter in a somewhat more comprehensive manner, and I have no doubt that that will be the course of the right hon. Gentleman. Now I come to the home Navy, with which he must be particularly familiar. With respect to the less serious class of disease, there is a very large increase of admissions in the case of the home Navy. There is no progressive decrease in that which is really serious—constitutional disease; and if I come to the question of efficiency, I find that, taking all these classes of disease together, as regards the Navy, the number of admissions of constantly sick and of invalided per 1,000 is larger now than it was at the date of the passing of these Acts. Now, I differed from the calculations of the Secretary of State for War—or, rather, the right hon. Gentleman differed from my figures—last year. The calculations he then read to the House are not in the Army and Navy Reports, and have not been laid on the Table of the House in the shape of a Return; and I submit that it is hardly fair to the House that we should be expected to take for granted, not only figures, but calculations and deductions from figures which are not placed before us in order that we may carefully analyze and consider them ourselves. I have had some opportunity since of knowing—I think, accurately—

what was the basis of these calculations, and I believe it to have been this—The theory was that it was necessary in this case, in order to avoid errors arising from fluctuation from year to year, to compare periods of a certain length in former years with periods of the same length in subsequent years. Statistically speaking, that is, generally, a perfectly sound method of proceeding; but here there are special circumstances which have to be taken into consideration. Taking periods of a certain length for our calculations, we find that in one period there was a steady, continuous diminution of these diseases, owing to causes perfectly independent of the Acts, because pre-existent to them: and it is neither fair nor accurate, statistically speaking, to take a long period before the Acts to get a higher starting point. For a considerable number of years before the enactment of the Contagious Diseases Acts there was a constant and steady diminution in these diseases, from causes which military men know well; and in the number of admissions into hospitals in respect of these diseases. I am therefore entitled to argue that the only correct method of calculation, the only sound datum and starting point is, to begin at a point of reduction in disease which we had attained before the passing of these Acts, and compare what was existent at that particular time with what has existed subsequently. There is another source of error in the Government calculations to which I would call the attention of my right hon. Friend. I ask his attention to these sources of error, because I do not know that they have ever been pointed out to him, and because I am sure he would desire to deal with this matter fairly. In the Army Reports, a comparison is made between the subjected districts and certain selected districts. These districts have, of course, been selected with every intention to select them fairly; but I think I can show to my right hon. Friend and the House that there is an error latent in that selection, although, of course, unintentional. If, instead of taking the selected districts for comparison, you were to take the whole of the Army outside the subjected districts, you would reduce the number of admissions in the rest of the Army 20 per cent. That is to say, you have gained 20 per cent in your argument in

favour of the Acts by taking those selected districts. But there is another source of error in taking the selected districts, because if you take London and Dublin you will see that there are exceptional circumstances affecting the rate of admissions. I submit to the House that the cases of London and Dublin are so far exceptional that we cannot select them for a true comparison; and I will show how the comparison is thereby disturbed. In the year 1873, the average numbers constantly in hospital per 1,000 in respect of the more serious class of disease were in the proportion of 4·45. In the selected districts the proportion was 8·86; but if you eliminate London and Dublin from these selected districts, you will reduce the proportion from 8·86 to something like 4·90. In the year 1874 the proportion in the subjected districts was 3·11 per 1,000; in the selected districts it was 6·89; and if you eliminate London and Dublin, it would be 4 and a small decimal, which I have not been able with perfect certainty to calculate. If you take in the unselected districts, I believe there will be no difference whatever between the numbers per 1,000 constantly sick from the more serious class of disease in the subjected districts, and the numbers for the whole of the rest of the Army. I only wish the right hon. Gentleman to take these figures into his consideration. Inspector General Lawson's figures were somewhat extraordinary. He made out, and appears to have persuaded the Secretary of State for War that in the subjected districts there was a saving through the Acts of 387 men daily; but he arrived at that conclusion by a method of calculation which appears to me to be erroneous. He found that if it had not been for the Acts, the numbers constantly sick would have been 13·41, instead of 5 and a decimal, which I have not heard stated; but in the unsubjected and selected districts, which are favourable to the supporters of the Acts, the numbers constantly sick were only 8·86; and therefore it is perfectly clear that there is an error in this method of calculation which cannot stand the test of criticism. These are really imaginary figures, based on calculations which, to my mind, cannot be sound; and, at any rate, they are calculations on hypotheses and not figures representing the actual state of the case. One

more thing I have to say. Since Lord Cardwell's Order of 1873 it is admitted, on the face of these Returns, that they are not worth the paper on which they are written. In the latter part of 1873, Lord Cardwell issued an Order stopping the pay of soldiers in hospitals, and before that expired we had a marvellous drop in the number of admissions, followed by a much more marvellous one in 1874. I know, and any of the medical officers engaged in the Army Department will confirm the statement, that they do not themselves rely upon, and consequently that we are not bound to accept, those Returns as to admissions to hospital since the date of that Order stopping the pay of the soldier when he was in the hospital. Now, taking a large view of this subject, and not going into minute matters of a few figures—1, 2, or 3 per cent, more or less—the question I have to put to the Government and the House is this—Assuming for the moment that the only question is simply the maintenance of these Acts for the purpose of securing and promoting efficiency in our naval and military Forces, I ask whether there is any sufficient evidence of success to justify us, even for that purpose and object, in maintaining legislation to which none of us can assent without repugnance and regret? But this question of efficiency is not, to my mind, the real question. There is nothing I so earnestly desire to do as to enable the House to appreciate the real dimensions of this question. My proposition is that we cannot stop here—that if these Acts are not repealed, they will inevitably be extended, and I will justify that proposition by arguments founded upon logic, experience, and positive evidence of intention, so far as this country is concerned. First, however, with regard to the argument of the hon. Baronet who immediately preceded me (Sir Charles Legard)—the argument as to constitutional disease. The hon. Baronet asked the House to hesitate before it repealed Acts which, to his mind, had already put a strong check upon that constitutional disease which he said might affect generations yet unborn. I have shown the House that there is really no substratum of fact, as far as we can judge from the evidence before us in these Returns, to justify the appeal of the hon. Baronet. I do not believe in the

fact, but neither do I believe in the argument based upon it. I believe that even if you could, by generalizing this legislation, stamp out a specific disease, you would give such a sanction, and such a stimulus to vice, that, leaving the question of morality entirely on one side, you would, inevitably, in the course of a generation, bring about a general physical degeneracy far worse than any specific disease. But as the argument used by the hon. Baronet is one that operates on many minds; let us consider where it would lead us. Those who believe it cannot be satisfied with legislation confined to certain limited stations. If society is justified in this special legislation by the duty of endeavouring to stamp out a certain constitutional disease, then society can only be justified if it adopt measures which, by hypothesis, are capable of producing such an effect. How can you produce such an effect if you confine this legislation to certain exceptional military and naval stations? I say, therefore, that if you reflect upon it, you will see that the argument based on the necessity of stamping out constitutional disease—if, indeed, it could be done—must, by an absolute, logical compulsion, lead you to the necessity and duty of generalizing these laws and making them binding and operative on the whole civil community in this country. My next argument is one founded on experience. If you go to any country on the Continent where these laws have been maintained for a generation, you will not find a single instance where they are confined to military and naval stations. They affect the centres of population, whether military and naval stations or not. Now, as to the question of intent, as far as this country is concerned. All these Army and Navy Medical Reports are full of suggestions that these Acts ought to be extended to the whole civil population—and full of suggestions that any partial failure in their operation is to be attributed to the fact that they are not universal, and that the disease creeps in from the unsubjected districts of the country. But we have other evidence. A year or two ago an officer of the Board of Trade—Mr. T. Gray—went the round of the seaports. He did not speak on the authority of my right hon. Friend; but he went the round of the seaports and

preached the extension of the Contagious Diseases Acts in these districts. There are other and more important agencies. A society exists for the extension of these Acts—a society containing amongst its members the names of many eminent medical men, and the names of not a few Members of this House. I have here the Report of that Society for the year 1875, and in that Report I find these words—

“Under present circumstances”—that is to say, the circumstances of the opposition to this legislation—“the society do not aim at so wide and immediate an extension of the Acts as before; but the case of certain seaport towns, not subjected to the Acts, which are known to be hotbeds of disease introduced by sailors of the merchant service of our own and foreign countries is so glaring, and attended with such disastrous consequences, that we feel it our duty to call for special interference to repress this disease.”

And if any more evidence is wanted, we find it in the Report of Captain Harris, to which reference has already been made. (*Parliamentary Paper* No. 276, June 12.) I hope my hon. Friend the Member for Sheffield (Mr. Mundella) is here to-day, and will be able to say something on this subject; because this Report speaks of “great efforts being made to extend the Acts to Liverpool and Sheffield,” and says it will be a great benefit if it were extended to the western counties. Well, then, am I not justified in thus judging the logical consequences of the argument based on the necessity of extirpating and stamping out disease? From the experience of foreign countries, and from the evidence of intention in this country itself, am I not justified in saying that there is in these Acts a principle of growth—I would say, of evil growth—an appeal to the worst motives of some men, and to the mistaken philanthropy of others, that these Acts should be extended to the whole community? Now, I will ask the House—assuming that we must consider this subject from this point of view of the inevitable extension of these laws, if they be not repealed—I will ask the House to bear with me a few moments whilst I endeavour to put before them some of the consequences to morality and to law which I think would follow from such an extension. What is the future that we must be prepared for? In every centre of population throughout these islands, you would have, by force of law, a selected, centralized, irresponsible police force, in-

vested with a perfectly arbitrary power of dealing with the question of prostitution, and of bringing upon the register, and to examination, and to the hospitals, all women whom they have reason to suspect. I am not about to discuss the question of discretion—there may be as much discretion among these police as has been asserted—I speak of the arbitrary system; and by arbitrary, I mean above and outside the law. And I say, without fear or possibility of contradiction, that you cannot extend Acts like these to the whole population—that you cannot work Acts like these—unless you invest the police with practically arbitrary discretion; and I say that the so-called “voluntary submission” is an instrument of terrorism, without which you could not work these Acts; for you could not work them, if you had more than a very small percentage of cases before the Courts of Law. Supposing that in every centre of population you had a body of selected, centralized police, because such functions cannot be entrusted to your local police—and, supposing this system in operation for a generation, then I will ask any constitutional lawyer in this House what he thinks would by that time have been the effect, first of all on the character of the police administration of the country, and then upon those principles of law, of judicial administration and of personal liberty, which have been hitherto the basis of our constitutional life? But, though these laws are arbitrary, and would be still more so if they were extended to the whole of the population, they have not yet reached, in this country, anything approaching to the arbitrariness to which they would inevitably attain if we were to extend them. More stringent laws are constantly being demanded by experts on this subject. Wherever these laws have been in operation on the Continent of Europe their failure is denounced by the very medical specialists who are at the head and front of this question, and to remedy this failure, these medical specialists invariably demand more and more stringent legislation of this kind. International medical congresses have been held where such proposals are brought forward as that the examination of the women concerned should take place much more frequently—not once in a fortnight, or once a week, but once every

two or three days; and that the compulsory examination should be extended to certain classes of men. I never heard it proposed that it should be extended to the titled or the rich; but I know that the proposal has been made with regard to our own seafaring and manufacturing population, and also to the lower class of officials in other countries. And, lastly, these medical specialists propound that nothing short of an international, universal system, homogeneous and practically identical for all civilized countries, will be sufficient for the purposes which they have in view. I will give you a few quotations from the pamphlet to which my hon. Friend the Member for Scarborough (Sir Harcourt Johnstone) has referred; and in the statements of M. Lecour respecting the condition of Paris, you will find evidence of the accuracy of what I say. [The right hon. Gentleman accordingly read numerous extracts from the pamphlet referred to.] The whole of the extracts I have read to the House form a confession of failure on the part of the greatest expert in these matters in any civilized country in the world. His last and almost despairing demand is for powers which I devoutly trust this House will never sink so low as to accord, and, even if they were accorded, M. Lecour tells us in profound sadness that he has but one hope left, and that hope consists in a return to those moral influences whose power and whose life, it is my deep conviction, would be sapped and undermined by the legislation he proposes. I ask the House, not without much of this same sadness too, whether it is possible for any thinking man, looking at these proofs of the tendency of this legislation and the logical conclusion to which it inevitably leads, and to the experience of foreign countries to support such all-pervading and perfectly arbitrary schemes of police management as it is declared will alone suffice for the hygienic objects in view, whether they are schemes which Parliament ought to sanction; and whether their effect, if they were carried out, would not be to sap the foundation of those principles of law and liberty, morality and religion, which have hitherto been recognized as the basis of our national and constitutional life? Now, is there nothing to be done? I have put that question to myself, and I will endeavour to answer it. Is there

*Mr. Stansfeld*

nothing to be done to alleviate human suffering and to check this disease? That is the idea latent in the minds of those who yield to the seduction of this legislation. Is there nothing that can be done? I think there is. I would say, let us act upon the principles of the religion we profess. Let us not be deceived by police details about the reclamation of prostitutes, juvenile or others. Neither legislation nor compulsory examination can help us here, and these are the gist, the kernel of this legislation. We have a right to ask for laws which shall promote order and decency, or rather we have a right to the due administration of the existing laws on these subjects. To my mind, these laws are not duly administered in this metropolis. We have a right to remove temptation from the path of the young of both sexes, and I hope we shall exercise that right. Then we have a duty to discharge—a duty which I, for one, am prepared to admit has not been fully performed in this country. We have the duty of curing disease. I entirely differ from those who would look askance at human misery and disease because it is the consequence of vice. I say, all the more because it is the consequence of vice will I seek to cure it, because, if properly administered, cure may lead to the moral result we ought to desire. I believe that when this legislation is removed—and it will ultimately be removed—there will be an immense and favourable revulsion of public feeling in regard to this part of the subject, and that voluntary, philanthropic, and religious zeal, in co-partnership with medical skill and medical philanthropy, will find means by which far more good can be accomplished than by any compulsory laws. But I would not be content with voluntary efforts alone. The principle of the Poor Law, if properly administered, ought to suffice for all we want. Sanitary legislation and administration are in a state of progress, and I believe that when this question comes before us for a practical purpose, methods will be found by which, not only in the subjected districts, but throughout the country, the alleviation of suffering and the cure of disease may be brought about more surely, through voluntary zeal, and far more efficaciously than by the present Acts. I venture to say, too, here are improvements in the ad-

ministration of military affairs which might do much good. The health of the Army, especially in these respects, was improving before these Acts were introduced, through the policy of Lord Herbert. I say that active industrial employments for soldiers, the learning of trades, to prevent idle time, a more healthy system of living, more healthy amusements, and greater facilities for marriage—within certain limits of age and length of service—would all have a beneficial effect; and all of these are improvements which, I trust, have not yet been carried to their fullest extent. Short service is the order of the day, and I believe that short service has not yet gone so far as it may do. But if we take our young men into the Army from 19 to 25 years of age, I ask, is it not a monstrous thing to declare by statute that it is inconceivable that any one of these young men can remain virtuous till he returns to his native home, and that therefore we must make statutory Governmental provisions to enable them to be safely vicious? But this is not only monstrous, it is increasingly mischievous; because year by year we shall send a larger number of these young men back to their homes and to civil life, after two years' training in the cynical conception that it is no part of their duty to place the slightest check upon their lowest passions or desires; but that it is part of the duty of the State to provide for the safe indulgence of those passions. I must now thank the House heartily for the close attention with which they have listened to me. I would appeal to them, let us retrace our steps, and thus coming once again on common ground which we can hold consistently with the principles which are dear to us all—the principles of Constitutional law, liberty, and morality, and of the religion we profess, I believe that we shall find manifold ways of doing far more than this legislation can even attempt towards the alleviation of human misery and the cure of disease.

MR. MUNDELLA: I was not desirous of taking any part in this debate, because in the last Parliament I said what I wanted to say; but, having been a Member of that Royal Commission so often alluded to in the speech of the hon. Baronet who moved the rejection of the Bill (Sir Charles Legard), I feel that I ought to say something in relation

to some of the statements which he has made to the House. I acquit the hon. Baronet of any desire to misstate anything with respect to that Commission; but I must point out that he has fallen into some glaring errors which I should have hardly expected after his telling the House that he had spent some time in mastering the whole question. The hon. Baronet told us of the frightful ravages of this disease prior to the introduction of these Acts. Now, if there was one thing more clearly established to the satisfaction of that Commission than another, it was that for 20 years past this disease had been very rapidly abating, and it was shown that the ratio of diminution was much greater before 1864 than it had been since that time. The reason was given for this decrease. Lord Herbert had introduced great improvements in the Army; and he did very much to humanize and civilize, as well as to improve the condition of the soldiers. He did very much, also, in the direction of cleanliness and better sanitary arrangements; and the result was that a steady and rapid diminution of the disease took place. I am always unwilling to quote statistics, but I should like to refer to the remarks of Mr. Charles Buxton, formerly M.P., in his Report to the House of that Commission. He traced the whole progress of the disease from the year 1860 to the year 1869, showing that in 1860 the proportion of cases of disease in the Army was constantly 54·72 per 1,000, whereas in 1869 it had run down to 40·82. That was the proportion for all diseases; but he also showed that in 1860 the number of persons who were constantly sick from this special disease was in the proportion of 23·73 per 1,000; in 1861, 24·70; in 1863, 20·31; in 1864, 19·11; and in 1865, 18·14. Then the Acts began to operate, and his whole conclusion shows that four years after the Acts came into operation the diminution was only 1·32, whereas in the four years previous to the introduction of the Acts, the diminution was 3·42. Now, I would further remind the hon. Baronet that I sat for six months on that Commission, and that the Report of the Commission was entirely against the view which he has taken on this occasion. Any one, without previous knowledge, would suppose, hearing the speech which the hon. Baronet addressed to the House

—a speech marked by considerable ability and great fluency—that he had taken his tone from the Report of the Royal Commission; but it is directly in the teeth of that Report, the first condition of which was that the compulsory examinations should be abolished. Well, why did the Royal Commission come to that conclusion? Was it from the conviction that they were likely to diminish the amount of the disease? No; they came to that conclusion on the ground of the immorality of the whole proceedings, and as much as anything from that very fact in regard to which the hon. Baronet has declared there is no real evidence, but merely the false statements of people going about and telling of the abomination of the examinations—statements which had no basis in fact. These are not pleasant things to refer to, but I will show you on most authoritative evidence how completely the hon. Baronet has either mistaken or overlooked the facts of the case. [The hon. Member accordingly read extracts from the evidence of Miss Lucy Bull, Matron of the Royal Albert Hospital at Devonport, and of an officer of the metropolitan police, employed to carry out the Acts at Shorncliffe, which can be read in the Report of the Royal Commission.] And proceeded—After all, this is not a question as to the effect of these Acts on our soldiers and sailors alone. I was very glad to hear the hon. Baronet (Sir Charles Legard) confine his argument as to the benefits of this sort of legislation very much to this section of the population, because, whatever may be said to the contrary, these Acts were obviously not designed to put down public-house brothels nor to reclaim fallen women, but solely for one purpose. What that purpose is I will explain to the House by reading to it the language of a Royal Commissioner, than whom a better man or a more just man ever lived. This Report was, as it states, "Respectfully submitted to the Commission" by the Rev. Frederick Denison Maurice—a Report that was put in before the Chairman drew up his Report. He said he could see nothing in the evidence to shake the opinion he should naturally have formed, from reading the Acts, and he went on to say that the aim of the system was to provide fit subjects for fornication. Now, those who know how careful he

was in the use of language, how temperate, how fair, just, and impartial he was, will attach much significance to these words. He was, I believe, at one time a vice-president of the Society for the Extension of these Acts. It was the case with him as it has been with several other gentlemen who formed part of the Royal Commission; some of them went in as subscribers, and others as vice-presidents of the Society of the Extension of these Acts, and they left the Society with the full conviction and determination in their minds that the compulsory examination of women should be abolished. And here let me remind the House that 16 of the Members of the Commission were agreed upon this point, and there were only some six or seven who did not think with them. Among the latter I may mention Lord Hampton and Sir John Trelawny, both of whom were Members of this House at the time, and had introduced the Acts; while the others were official members, one of them being the surgeon to the Metropolitan Police. But the fact remains that the balance of testimony, both as to the sanitary question and as to the moral question, was decidedly against the Acts. As to the sanitary part of the question—which I think is the very lowest ground upon which you can consider it, because there is the far greater and more important question of morality and public policy behind—the testimony of Mr. Simon ought to be sufficient; but on this point I may ask who was it that moved to insert a paragraph in the Report to the effect that all the evidence was worthless as establishing a good sanitary result—an Amendment which was only lost by a majority of one? Why, Sir, that Amendment was moved by no less a person than Professor Huxley, who is not a man likely to be swayed by sentiment, and who has been accustomed to analyze evidence. Well, after hearing all the evidence, he strongly urged the Commission to adopt his Amendment, that the testimony they had heard did not prove anything in the shape of any sanitary advantage or diminution of disease likely to be gained by the military and naval forces, or by the whole population, because according to Mr. Simon and Professor Huxley, and the whole of those who could speak with authority, the disease was steadily increasing both in amount and in intensity.

But suppose I grant that the Acts have produced all the sanitary results to which their advocates lay claim; still I say that that is not the question. Suppose I take it for granted that you have saved something to the Army and to the Navy; I should still like to point out what has been the effect, and what will be the effect of such legislation as this upon the whole population. Let us take a contrast. The hon. Baronet (Sir Charles Legard) drew an exceedingly vivid picture of the ravages of this disease among countless thousands. He told us of its dreadful effect on children unborn. We are all aware of this, and we all regret it; but we cannot, by legislation, prevent the consequences of guilt. You may have heard of Dr. Acland, who, when he passed the picture of one of his ancestors, used to shake his stick at it, and say, "You rascal! It was you who gave me the gout." And, perhaps, after all he was justified in his remonstrance. But I wish at this moment to ask the House to contrast the state of health in England, and the condition of the English population generally, with the condition of any other nation in which this sort of legislation is being carried out. As the House is aware, I was a Member of the Royal Commission, and I took a strong interest in the question, and since that Commission has finished its work I have never failed to continue my investigations and reflections upon the subject, and every day, the more I know, the more deeply am I convinced of the radical error of the system. I do not say that we can do nothing to get rid of this disease; on the contrary, I think we can do very much, and the Royal Commission has recommended us to do much. But the Royal Commission say very naturally—"This is a very nasty subject; you have forced it upon us; we have heard the evidence upon it, and we have made up our minds;" and I would warn the House after what that Commission has placed before it not to persist in carrying on the existing legislation. But to proceed with the contrast I desire to put before the House. In France, you have the best system of regulations as applicable to this disease that the police can frame or carry out. Well, as my right hon. Friend below me (Mr. Stansfeld) has already told the House, that system is a failure. I was in Paris last Easter



twelve months, staying there during the vacation, and while I was there I was introduced to M. Lecour, who is well acquainted with this subject. We discussed the matter over, and what was the result? He placed in my hands the literature of which he is the author—and I may say that he writes a book on this question nearly every year—and I found that so far from the French doctors being satisfied with what was going on, my friend was in the very midst of contention, discussion, and strife. Dr. Jeannel has written a book, from which it appears that the state of the disease in France is such as to alarm even the least sensitive person; and M. Lecour tells us what he has done, and in a book he published in 1874 he states that he arrested 11,000 women in Paris in the year 1873 for infractions of the regulations relating to this subject, and that yet the disease is increasing at no slow rate. And what, I ask, is the general condition of the French urban population? Contrast it with that of the English population, and I will tell you what you will find. With regard to the French soldiery, there was a statement that appeared in *The Revue du Monde* to the effect that after the conscription of 1873, it was found that when the men who had been drawn from the urban districts came to be examined, 15,000 of them were rejected as unfit for military service, to something over 10,000 men who were accepted—that is to say, that out of 25,000 men who were drawn in the conscription from the urban districts, only 10,000 were found upon examination to be fit for service. This is the information we have as to the health of the Frenchmen, and much is also said in the same report as to the constitutional character of the disease from which they suffered. Now, let us take another point. The hon. Baronet (Sir Charles Legard) has spoken of the dreadful ravages made by the disease among our own population. I remember that when the Factory Inspectors made their enquiry into the condition of the factory children they stated that they had examined 10,000 children, singly and separately, by means of the medical officers they employed, and they reported as a striking fact that among 10,000 children of the factory population of Lancashire, Yorkshire, and Derbyshire, there was scarcely a trace of enthetic disease! I might also refer to Mr. Simon's Report

as to the gross exaggeration that has prevailed on this subject. I should now like to refer the House for one moment to an article that appeared in last Saturday's *Times*. It is a most significant article on the state of the population in France. It calls attention to the facts regarding this country, which I need not go into, and then it goes on to show that the population in Great Britain will, at its present rate of increase, double itself in the course of 63 years, while in Denmark the same process will be accomplished in 73 years, and in Norway in 71 years, whereas in France, taking the ratio of increase for three-quarters of a century, it will require 334 years to double the French population. *The Times* warns us not to base our institutions on the social and legal institutions of France. Surely, Sir, we have here sufficient contrast between the two countries. In France you have all this compulsory legislation in full force. There you have all you can possibly desire by way of regulation, and yet the population is in the miserable state that has been described. Mr. Simon says it is the public policy of England to promote marriage, while in France it is indiscriminate fornication. What did old Ben Franklin say? and there were few wiser men in his day than he. He taught, from the mere low ground of political economy, that what will maintain one vice will keep two children. Let us beware how we encourage a system under which young men spend the flower of their youth, wasting their time and health in irregular indulgences. Let them have the courage to marry as their forefathers have done, and increase the population. Marriage is the best restraint on the vices of youth, and I verily believe that but for the celibate state of the Army you would never have heard one word of the disease which is now so rife in that service. No one ever hears of the Contagious Diseases Acts being needed for the Civil Service, or for any other service; they are solely passed with the view of maintaining a celibate Army. Very glowing accounts are given of the closing of 250 public-house brothels since these Acts came into force. But I ask, if these Acts are so beneficial, why should they be confined to the districts they at present protect? Why should we not close public-houses all over England? If

Mr. Mundella

you find it necessary to maintain a police for the special purpose of enforcing these Acts, why do you not send them all over England? There is no doubt that if the Government were in earnest on the subject they could close all the public-house brothels in every part of England. It is said that they save young girls from the streets. Is that the object of the Acts? I say that, on the contrary, the object is to prepare young girls for the streets, and not to save them. ["Oh, oh!"] I do not doubt that the English policeman, or Englishmen of any kind, would do whatever they can, apart from the mere matter of imposed duty, to save these poor girls. But what did the Royal Commissioners recommend? Why, that girls under 16 or 17 should be taken off the streets; but no one has paid any attention to it. They also recommended that the public-house brothels generally should be closed, but no one has paid any attention to that. Beyond this they made a recommendation that the age at which the seduction of girls should be made criminal should be altered from 12 to 14, and after having fought this for four or five Sessions we have raised the age to 13. I am the last man to say that we ought not to grapple with this evil. On the contrary, I say we ought to do everything we can to grapple with it; and I am seriously assured of one thing, and that is that we should take these poor creatures and heal them, not that they may go and sin again, but that they may "go and sin no more." Captain Harris says there is a strenuous effort being made to extend these Acts to Sheffield. I have made every inquiry in Sheffield, and I believe that there is no town in England where it would be more impossible to introduce these Acts than Sheffield, and I also believe that the whole population would rise, almost *en masse*, against any attempt to carry out such a project. I trust that when the right hon. Gentleman rises to speak on behalf of the Government, he will tell us how it is that such a statement ever came to be put forward, and who are the persons who have ever made any representation demanding the extension of these Acts to the borough I have the honour to represent. Granting, for the sake of argument, all that you claim on sanitary grounds, I say that in the interests of public morality and public policy these Acts are among the

most dangerous, if not the most dangerous, that Parliament has ever introduced during the present century, and that if the policy on which they are founded be persisted in, it will ultimately be found to produce the most mischievous and pernicious results.

MR. HENLEY: Sir, I wish to state shortly why I shall support this Bill. First, what do I find is the practice? I find that these unhappy women are enrolled, as it were, in a kind of regiment, with police officers appointed to look after and command it, and officers of the medical staff attached. And what is all this done for? Not to discourage vice, not to punish immorality; nothing of the kind, but simply to turn these unhappy women among the population almost "warranted free from complaint," in order that they may exercise their calling, which, to say the least of it, cannot be righteous. Such is the actual working of these Acts. And what are the reports we hear from the places where these Acts are in force? Why, we are told that everything that used to disgust in the unhappy victims of this vice is almost entirely removed from sight, and that, on the other hand, these unfortunate people are now much better dressed, so that vice simulates virtue and becomes more attractive. Well, I ask the House, is this a proper object for a Christian Legislature to maintain? For my part I cannot reconcile it with our duty, and when I look to any other part of the world where unfortunately this idea of regulating vice has been prevalent for many years, what do I find is the result? Why the result is—although, perhaps, I am hardly warranted in calling it such—a very low state of morality. Up to within a few years we have abstained from this kind of legislation in our own country. The number of children born in wedlock constitutes a test of the morality of a country that cannot be mistaken, and in that respect, thank God, our country stands so well in comparison with other nations, that I cannot help thinking that the kind of law which is prevalent on almost every part of the Continent must have had something to do in the creation of that worse state of things, as compared with what exists here. And I would here refer to another matter that has struck me very forcibly. In a country immediately opposite to our own, the

result of the very low state of morality that has prevailed there has been a want of children. If that country had increased its population in the way this country has, I doubt whether they would not have given a much better account of the Germans than they were able to do. These, Sir, are some of the reasons that will induce me to support this Bill, the object of which is to repeal these Acts. I hardly believe it to be true that sanitary grounds have been the cause of this legislation, because if that really were the case—if those who produce this kind of legislation had no other object—we should not have heard so much stress laid upon this particular point. Indeed, I believe that they would have refrained from proposing these measures, because the medical evidence from the beginning has shown them that they could have no real confidence in the stamping out of this disease unless they applied the law to men as well as to women. But the authorities of this country so far from adopting this course—and their refusal to do so makes me disbelieve their sincerity—not only refrained from applying the law to the men, but they actually discontinued the examination of the men when they began the examination of the women. I have no doubt that the duty was felt disagreeable and disgusting both by the men and the surgeons; but if the real object had been a sanitary object, and if the purpose really was to get rid of the disease for the benefit of the community, I never can believe that they would have taken the course they have adopted, of merely shifting the examination from one sex to the other, when the medical men themselves tell us that this procedure can be of no real value. I am sorry to have taken up the time of the House, but I have felt strongly on this matter; and believing that the legislation against which this Bill is aimed is immoral, I shall vote against it now, as I have done from the beginning, and as I intend to do so as long as I can raise my voice against it.

Mr. WHITBREAD said, that although they had arrived at so late an hour, and so near the close of the debate, he was anxious to say a few words in explanation of the vote he intended to give on this question. He was the more anxious to do so, because at one time he had some little responsibility resting upon him in connection with this sub-

ject, and he did not think there was any one then sitting in that House who had so complete a knowledge of the steps that were taken by the Government shortly before the first Act was introduced, and when the question was first mooted in Parliament, as he had. As he thought that this legislation was founded on a gigantic delusion, he must ask the House for a few moments to give him its attention while he endeavoured, without going into the moral question, or even into the statistical question, which had been so ably and convincingly dealt with by others, and particularly by his right hon. Friend the Member for Halifax (Mr. Stansfeld) to relate the story as it actually came before him at the time he was connected with the Board of Admiralty. About the years 1859 and 1860—he went back thus far, because he wanted to show what this legislation was founded on—the attention of every one connected with the Navy and the Army was drawn, and drawn very forcibly, to the terrible condition of the men at many of the military and naval stations where the disease was no doubt rife to a serious and alarming extent. He remembered particularly well, a little later on, being very much struck by the case of the *Warrior*. The *Warrior* was the first iron-clad ship we had, and she was sent on a trial cruise. She carried a picked crew of 500 or 600 healthy men, and she had to put in at Portsmouth for some small repairs to her steering-gear, which occupied a short time. The number of men she left in hospital suffering from this disease was alarming, and no one who was responsible for the efficiency of the Service could hesitate to take any steps that could properly be taken to mitigate such an evil. Now, the hon. Baronet (Sir Charles Legard) had spoken with considerable ability against the Motion, and had referred to a Departmental Committee which reported in the year 1862, and which consisted of persons connected officially with the Admiralty and the War Office—a Committee of which he (Mr. Whitbread) had the honourable, although the unpleasant, post of Chairman. As the hon. Baronet had referred to that Committee, and as the time had long since passed away, he did not know that he should be violating any confidence in also referring openly in the House to that Committee, although

*Mr. Henley*

its Report was never laid before Parliament. That Committee met to consider what steps could be taken in connection with this subject, and they began by asking the assistance of the Foreign Office in collecting information not only as to the law on the subject in Continental States, but also as to the statistics of the disease. He would not go too minutely into all that came before them—he might, however, say that they found that the severity of the regulations in Continental States on this subject bore no relation whatever to the amount of the disease. He would beg the House to bear this fact in mind. As it was then so was it now. The House had just heard what his right hon. Friend (Mr. Stansfeld) and others had told them about the evidence from France. The Committee also had found that in many places where the regulations were extremely severe the disease was alarming—quite as bad as it was in England; and they had found that in other places where there appeared to be few regulations, and where these were scarcely put in force, the disease varied, being sometimes lighter and sometimes more severe. But there was one, as he thought, most unfortunate case, and he believed it was out of that one particular case that a vast deal of the mischief of the present legislation originated. That was the case of Malta. There, long before the time he was speaking of, there had been repressive laws on this subject, and a few years before the date of the Committee those laws had been repealed. The disease immediately sprang up. Those laws were re-enacted, and the disease was apparently for a time stamped out. This it was that led to the cry by which this legislation was forced on the country, and every one talked of stamping out the disease. This was what had been the cardinal delusion. Before he proceeded further he would here state that there was another place under the control of the British Government—he referred to Gibraltar—where laws as repressive as those at Malta were enforced with this advantage, that if a woman were found to be diseased she could be dispatched right across the neutral territory and got rid of without the trouble of putting her into a hospital, and yet the disease at Gibraltar was as it was in England. He

gentlemen from both places

how this difference was to be explained, and he remembered a gentleman well acquainted with Malta stating to him in private conversation the reason for what had been observed at that island. That gentleman had stated that at Malta the class of women who associated with the soldiers and sailors was a totally distinct class, and as thoroughly well-known as if they were negroes and of a different colour from the rest of the population. It was, therefore, possible to lay hold of all of them. There was no other place from which a fresh importation could come, no place where so complete a cordon could be drawn around those women; but at Gibraltar, as in England, if they tried the stamping out process, they would find a very large border land which they could not regulate. There was an enormous number of these women in different places, who were ostensibly earning an honest living during the day, and whom no police in the country could touch, for public opinion would not stand it. Let them pass what Acts they liked, there were points beyond which they dared not go, and if they were to attempt to interfere too severely with women who, to all appearance, were earning an honest living during the day, but who might be conducting themselves irregularly at other times, there would be such a revolution of public opinion against them that they would soon have to rescind the legislation which raised the outcry. Another point that came before the Committee was the terrible condition of the poor women, living in the neighbourhoods where soldiers were quartered; and, he must say, that this was one of the most painful things the Committee had inquired into. The local police officers and others detailed the condition in which those poor women were—not so much with regard to their moral degradation as with respect to the physical misery and torture they had to endure; for when a soldier or sailor found himself diseased by a woman, his revenge was not always of the tenderest character. The Committee were told by the local police authorities, that if voluntary hospitals were set up, the condition of those poor women was such that they would gladly go into them. The hon. Baronet had referred to the Report of this Committee as if they were supporters of the Act. He would read

one clause of their Report containing their recommendation to show whether this was so. A coercive course was strongly urged on the Committee, and they said—

"The former or coercive course has been strongly urged upon your Committee, by many who have had opportunity for observing the fearful extent and evil consequences of venereal disease in our military and naval hospitals. Your Committee, however, have not found in the Reports from foreign countries where this system is practised, such conclusive and consistent evidence of the diminution of the disease by coercive measures as to lead them, particularly while the other course remains untried, to recommend for adoption in this country a system involving new and questionable principles of legislation, and certain to be distasteful to a large portion of the public."

This Report was acted upon for a certain time and to a certain extent. Parliament voted money for the erection of Lockwards at different seaports and military stations, and, to a certain extent, the voluntary system was tried. But it had a most unfair trial as compared with the coercive system. For how was it tried? It was tried tentatively, by opening one small ward at each of three stations, and it was tried for a short time only. The fact was that it was starved in point of accommodation, and it was voted a failure upon the very smallest evidence that could be brought against it, without an attempt to find a remedy for the weak points discovered in it. It was tried at Devonport with 25 beds, and the contribution to the ward containing them was only paid on the quarterly certificate of the Commander-in-Chief, who was the Admiralty visitor, that the beds had been fully occupied during the quarter. But the moment coercion was put in force they had four times as much accommodation. Was that a fair trial? No one could deny that the wards opened on the voluntary system were filled, but it was charged against them that the patients went out before they were cured, and that they did not go in soon enough in the earlier stages of the disease. And now the great stamping-out theory came in. But it seemed to be forgotten that the first thing necessary in the stamping-out process was to get the thing to be stamped out under their feet, and that was what had never been done with the disease in any country with the single exception of Malta. About the time this legislation

began the cattle plague had appeared, and it was supposed that it had been stamped out, and it was thought that human beings could be dealt with in the same way as cattle; but what would have been thought of the wisdom of the cattle plague regulations if they had only interdicted the travelling of diseased cattle on the turnpike roads, and had left all the bye-ways open? This was exactly what was happening with regard to these Acts. If it were possible to stamp out this disease, how was it that during the period the coercive system had prevailed it had been productive of so small a result? Another point was that under the voluntary system the objection felt to the system of registering the names was obviated. The great point that was made against the voluntary system, was that women went out before they were cured; but admitting that this might be the case in some instances, he considered that the system had immense advantages over that of compulsion. The only real argument in favour of the continuance of these Acts would be their success, and that they had not been a success was fully apparent from the evidence. It was quite evident that the Contagious Diseases Acts had no power in them to prevent immorality. There was no new power for keeping order in the streets—that was done by other laws. There was no especial power to enable them to reform young girls or to suppress bad houses. If any man spoke a kind word to a young person entering upon an evil course it would have its effect if it were a word in season, but these words were not spoken under any authority given by the Contagious Diseases Acts. If a police officer spoke them he did so out of his own humanity and not as directed by the Acts. He could not shut his eyes to the fact that a certain number of these women might be deterred from entering the prescribed districts and following an immoral life by the dread of being put upon the register. But, to his mind, this power of registration was the most tremendous that could be put in the hands of any set of men. He submitted that if the State were to continue this power and this attempt to make people virtuous by threatening to place them on the black list, it ought not to be confined to this particular offence, *r* *He did not wish to say a*

*Mr. Whitbread*

single word against the police who had to carry out these Acts. He himself had had a hand in placing the Metropolitan Police in the Dockyards, and he believed that a better step in the way of economy was never made. He was fully aware of the good services rendered by that force, but he greatly regretted that they had employed them in this business; but should these Acts be extended, as was proposed, they could be no longer worked by the Metropolitan Police, and he wanted to know how they would be enabled to get a sufficient number of experienced and competent men to discharge the duties—it would be impossible to find a sufficient number of the Metropolitan Police for the purpose. He would here refer to a suggestion contained in a speech of the right hon. Gentleman the Member for Pontefract (Mr. Childers), which he made last year, and which had been backed up by Petitions of singular weight, which he presented the other day. The suggestion was that they should treat this disease as they treated other contagious diseases, and say that any person should be punished for wilfully and knowingly communicating it. If they were to act upon this expedient, they would have this great advantage that they would punish not only her, but him who communicated disease. In that case the legislation would be fair and equal as between the two sexes. The policy that had been adopted in the Army appeared to him a great mistake. There it was made penal to contract the disease, and the soldier who did contract it was placed under stoppages. He could not imagine a more fatal policy; because if, in place of making it penal to the soldier or sailor to contract the disease, they had put him under stoppages for concealing the fact, and made it penal to communicate the disease, they would have been dealing with the matter in a far more sensible and natural manner. Now, as it had been found impossible to stamp out disease in this country by coercion, was it not time to consider whether there might not be some alternative course? The voluntary system was voted a failure, but the solid fact remained that the voluntary wards were popular and full. He was now going to state that which he not prove, but which he believed me, and believed still to be true, it was this, that into the Lock

wards, under the voluntary system, women were induced to enter of a class whom the police could not have touched under a coercive system. The reason why the police could not introduce them would perhaps be seen in the report of one of the cases in Captain Harris' recent Paper. But what was the difference? In that time he was speaking of women coming in; no questions were asked; they were cured and they went out, no one being able to point at them in their future life. Now they could not come in without having their names placed upon the register. The result was that many women were kept out who, under the voluntary system, would have been brought in. If it were true that the women left before they were cured, that might have been met. He considered the point at the time, and it seemed to him best if they had a voluntary system to rely upon it as a purely voluntary system; but it must be evident that it would be a very different thing to take powers to detain a person who had voluntarily come into the hospital and to exercise the power which was now in operation under the Contagious Diseases Acts. The objections as to the two would be of a very different degree. In fact, in our Poor Law system, as at present administered, there was power to detain in the workhouse infirmary any person who might be brought in affected with one of these diseases. His own opinion was that it would be better to rely on the system as purely voluntary until we had more experience upon the subject; and if, after that experience, it were found necessary to take powers to detain the dangerous, then the objection he would have to offer to legislation of that kind would be very different in degree and in kind from that which he entertained to the police powers of the present Acts. Now, it could not be said that no alternative was offered. He was as anxious as the hon. Baronet who spoke against the Bill (Sir Charles Legard) to minimize, as far as possible, this disease, but he honestly thought that the end might be attained by means less objectionable than those by which it was now sought. He would earnestly appeal to his right hon. Friend at the head of the Board of Admiralty to apply his own candid mind to the consideration of the question. Let them get rid of the various supposed indirect advantages of

the system, and ask themselves whether it was clear that the voluntary plan would not have done at least as much as the Acts; at all events, if supplemented by some of the provisions to which he had been referring; he would ask the right hon. Gentleman to believe it was as unpleasant for them to bring this matter forward as it could be for him or others to defend the Acts. He sincerely hoped, for one, that it might not be necessary to have an annual discussion upon it. But the right hon. Gentleman himself was far too fair to say to them that whilst these Acts were upon the Statute Book, and whilst the Government published an annual Report, with the fullest details from the officer who was at the head of the system, they on their side who objected to them were to keep silence. On the subject of the agitation against these Acts he wished to say one or two words, and he could say them more freely because he had taken no part either by speech or in any other way in the progress of the agitation in question. But he did believe that the agitation was engaged in by those who moved in it first upon the purest principles. He was glad the two sides were beginning to understand each other. He remembered last year, in the justly commended speech of the hon. and gallant Officer (Colonel Alexander) who moved the rejection of the Bill repealing the Acts, that he listened to no part with more pleasure than the graceful tribute he bore to the high character and qualities of a lady who had been much engaged in the agitation. Let the House remember, if it was unpleasant for them in that Chamber to have to discuss this question, what it must have been for ladies, against whose life or character there was not the faintest breath of any suspicion, to have come forward and thrown themselves into a public agitation upon such a subject. They must have suffered deeply and acutely. Those who were engaged in this agitation were amongst the most deserving of our citizens. They took up this matter after mature consideration, knowing what it would cost them, and they were not likely to lay it down quickly, believing as they did that there was a vital principle at stake. And now, as it seemed to him, that the time was ripe for a solution of the question, he urged upon the Government not to leave it in the hands of

private Members, but to take up the matter for themselves. If they were to get rid of the police powers in these Acts, and if they could come again to the voluntary system, they would be rid of much that was now distasteful to the public. It could truly be said by those who opposed these Acts that the relationship which had been established between the police and houses of ill-fame was novel and dangerous—one of co-operation rather than of repression. It was said that now for the first time in this country legislation had made authority the handmaid of vice; and believing that the question could not rest where it was—that either one side or the other must prevail, either we must get rid of the coercive system or the Acts must be extended—he earnestly urged upon the House and the Government to take this question up and endeavour to put an end at once to this painful agitation.

MR. HUNT: I agree with most of those who have spoken, that this is a subject which it is painful to discuss. It is most painful for me to speak upon it. I have never opened my lips upon it before, and I should not have troubled the House on the present occasion but for the fact that the Government Department of which I have the honour to be the head, has necessarily been referred to in the discussion, and that I have felt it my duty, as an administrator of the Navy, to examine carefully the evidence on which the maintenance of these Acts rests. Looking at that evidence in the most unprejudiced manner, I am bound to confess that the health of the Navy has materially benefited by the operation of these Acts which the measure before the House proposes to repeal. [Quoting from the published Reports of the health of the Army and Navy, the right hon. Gentleman here instanced the case of the *Britannia* at Dartmouth, where for three years there had been no case of disease among the crew. A similar state of things had been experienced in the case of a vessel at Southampton. The carefully collected statistics which were to be found in these Reports as to the home stations, and as to Malta, Gibraltar, Calcutta, and other places where the Acts were in operation, showed, as he contended, that in the case of the Army as well as in the case of the Navy, the Acts had decreased disease and greatly diminished its virulence, where it had

*Mr. Whitbread*

not entirely stamped it out.] He continued: That the disease will occasionally occur in isolated cases, even under most effectual surveillance, is only what may be expected, but there is abundant testimony to the efficient manner in which the Acts have been carried out. Reading the health statistics, coming as they do from the naval authorities, and from the military authorities, I cannot conceive that anyone can come to any other conclusion than that the operation of these Acts has been materially beneficial to the health of the Services. I know it is said by some hon. Gentlemen—"You have no business, and it is not the duty of the State, to diminish this disease;" and I believe some go so far as to say it is the duty of the State to leave this matter entirely alone because this disease is the proper punishment of sin. I cannot go with that argument. I think that, even supposing the disease never affected any but those who are sinners, it is our duty to alleviate the infirmities of humanity, even when brought about by the wrongful acts of the patients themselves. But when we think of the innocent persons who have been alluded to by the hon. Member behind me (Sir Charles Legard), who suffer from this disease, I think it becomes the duty of the State to step in. With reference to that, I may call attention to some statistics that I do not think have been mentioned in this House with reference to this matter. My hon. Friend behind me (Sir Charles Legard) alluded to the thousands unborn who were the victims of the sins of their forefathers, and upon whom fell the greater part of the burden of suffering which these sins entailed. What do I find in the Registrar General's supplement to his fifth Annual Report of Births, Deaths, and Marriages? What does he say with regard to deaths by syphilis? He says the registered deaths for syphilis during the 26 years from 1848 to 1873 were 31,860, of whom 22,269 were infants under one year of age; 24,253 were under five years of age; so that we see that of the registered deaths in consequence of this disease, a very large proportion indeed were innocent babes. With these figures before us I think no one can say it is not the duty of the State, so far as in it lies, to repress this disease, so as to prevent posterity being affected by this horrible disorder. These

Acts, as has been stated during the course of this debate, were first proposed with the view of maintaining the efficiency of our military and naval forces. They were not proposed in the interests of morality. They were proposed in the interest of the efficiency of the Services; and when it was stated that the loss to the Army was, by reason of this disease, equal to three regiments, I think it was about time the Government stepped in, to see whether some remedy could not be applied to this most horrible state of things. Although that was the primary object of the Acts, it was thought that, concurrently with the cure of our soldiers and sailors, something might be done to cure the morals and religion of the unfortunate women concerned, and therefore in these Acts there was special provision that, in every hospital which was registered, moral and religious instruction should be given; and I think that those who have taken the trouble to read the Reports on the subject will be satisfied that a great improvement has taken place. With regard to the moral improvement of these women—not only as regards their manners, which, perhaps, do not always show a greater real improvement, but only some outward refinement—but those who read the Reports will, I think, find that a large number of women have been rescued from the paths of vice, sent home to their friends, or got into service, who otherwise would have been left to pursue their ill ways. It is idle for the hon. Member for Bedford (Mr. Whitbread) to say that all this might have been done without these Acts.

MR. WHITBREAD explained that what he had pointed out was, that there was a Reforming Committee before these Acts were passed.

MR. HUNT: I think with the hon. Member that a good deal could be done by voluntary effort without these Acts; but I also believe that there are many of these women who never would be reached but for these Acts. The fact that these women are brought into hospital compulsorily brings them under a system which they never would have consented to be brought under voluntarily. The moral influence would not have been brought to bear on these women in the same number of instances as under the operation of these Acts. The right hon. Gentleman the Member for Halifax



(Mr. Stansfeld) says he knows those who oppose these Acts are looked upon very much in the light of fanatics. I have never looked upon them in that light. I fully appreciate the motives of those who are opposed to those Acts, and I think their convictions on the subject are fully entitled to respect. And I must say, as a matter of feeling, that one would be much more inclined to take the same view as the opposers of the Acts, than the view of those who maintain them. But to me it is not so much a matter of feeling as a matter of reason; and looking at it by the light of the evidence brought before me, I must say I consider the maintenance of the Acts advantageous to the interests of the Services, and that I think it is therefore the duty of the Government not to consent to their abolition. There is some difficulty with regard to the way in which this Motion is put by the Chair, to which I would call the attention of the House. There is an Amendment on the Paper that this matter be referred to a Select Committee. Now there has been an inquiry by a Commission, in the year 1871, and very full evidence on the subject was taken. That Commission also made some important recommendations. Therefore, I am not prepared to assent to the Amendment that the subject should be referred to a Select Committee; but I think it most desirable that we should come to a decision upon the Main Question—namely, whether this Bill should be read a second time. Therefore, I should propose that the Amendment be put and negatived, in order that the Main Question may be put and decided that the Bill be read a second time.

SIR HARCOURT JOHNSTONE said, if time had allowed, he might have made some reply on the debate, but he would not now interpose between hon. Members and their desire to come to a division. He maintained that his figures were fairly selected, and that they sustained his arguments. With regard to the moral question he had an opportunity, at an earlier stage of the discussion, of contradicting most authoritatively the moral effects which the agency of the police was said to bring to bear on the unfortunate creatures. If anything was more so it was the evidence reformatories that

the proper people, and never could be the proper people, under any circumstances, to reclaim and send back to the paths of duty those unfortunate people. He would not detain the House. It was not his purpose to enter into discussion with hon. Gentlemen opposite. He believed the House was not divided as to the necessity for curing disease, but on the question how it was to be done. He trusted the Government might, at some future time—as there was no desire on his side to make this an annual Motion—look into this matter in a different way. While their wish was to cure the country from disease, they wished equally that women should be spared exceptional treatment, and that some means should be found less productive of moral evil than these Acts.

MR. T. E. SMITH then intimated that, after what had been said by the right hon. Gentleman the First Lord of the Admiralty, and in order to meet the wish of the House to divide on the Main Question, he would, with the permission of the House, withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question again proposed, "That the Bill be now read a second time."

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months." — (*Sir Charles Legard*.)

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 102; Noes 224: Majority 122.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading put off for two months.

#### INNS OF COURT PROCEDURE AMENDMENT BILL.

On Motion of MR. H. B. SHERIDAN, Bill to provide for the Election of Masters of the Bench of the Inns of Court, and to amend the procedure by which Members of the Bar are ~~admitted~~ *admitted* to be brought in by MR. H. SHERIDAN, MR. INGRAM, and MR. DILLWY.

*presented, and read the first time. [Bill 268.]*

*Mr. Hunt*

FORFEITURE RELIEF BILL.

On Motion of Mr. MARTEN, Bill to amend the Law of Relief against Forfeiture for Breach of Covenant or Condition, *ordered* to be brought in by Mr. MARTEN, Mr. OSBORNE MORGAN, and Mr. GREGORY.

Bill presented, and read the first time. [Bill 259.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 20th July, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Medical Act (Qualifications) \** (184).  
*Second Reading*—Nullum Tempus (Ireland) \* (171).  
*Committee*—Burghs (Scotland) Gas Supply \* (172).  
*Committee—Report*—Elver Fishing \* (164).  
*Report*—Poor Law Amendment \* (181-185); Medical Practitioners \* (157); Local Government Board's Provisional Orders Confirmation (Birmingham, &c.) (111).  
*Third Reading*—Commons \* (183); Local Government Board's Provisional Orders Confirmation (Bath, &c.) (168)—(Bilbrough, &c.) \* (169), and passed.

UNITED STATES—EXTRADITION.

QUESTION.

EARL GRANVILLE, who had a Notice on the Paper to call attention to the Correspondence lately presented by the Government respecting Extradition, asked the noble Earl the Secretary for Foreign Affairs, At what time the Papers which had been so long promised would be in the hands of their Lordships?

THE EARL OF DERBY: We have done all in our power to hasten the printing of the Papers to which the noble Earl refers. I understand that a certain number of copies will be ready in the course of to-morrow; but it will not be possible to circulate them generally for a day or two. There is some delay caused in the binding and putting together of so large a number of Papers; but a few copies will be ready to-morrow. I wish to add a few words on this subject—and it is with considerable reluctance I do so, because of the per-

sonal inconvenience which is certain to ensue. Within the last two hours I have received a confidential communication the nature of which I am not able to put before your Lordships, but I have explained it unreservedly to the noble Earl. The effect of that communication is to lead me to the conclusion that considerable inconvenience—I do not mean inconvenience to the Government, but to the public interests involved—would arise if we proceeded to a discussion to-night. In these circumstances, I have to ask the noble Earl whether he will object to postpone for a period of not more than two or three days his Motion on this subject?

EARL GRANVILLE: With regard to the statement of the noble Earl, I have to remind the House that I gave Notice a long time ago of my intention to call attention to the Papers with the view of bringing the subject under the notice of Parliament. I have postponed that Motion from time to time on account of certain Papers not having been produced—and I am aware that this postponement has inconvenienced some of your Lordships. On the other hand, I never can undertake the responsibility of bringing forward at a certain time a Motion on Foreign Affairs when the Foreign Secretary declares that in his opinion it is unadvisable for the public interest should be brought on. The noble Earl has referred to a communication made to me. Upon my own judgment, I should not act on that communication, because I do not think anything I should say or anything my noble Friends near me might say would be an impediment to any future negotiations with the United States; but if the noble Earl takes upon himself this—that he has information which he thinks makes it desirable that the Motion should not come on to-day, I should, with great alacrity, yield to his opinion. I think it will therefore be convenient if I put down the Notice for Monday.

LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (BIRMINGHAM, &c.) BILL—(No. 111.)

Amendments reported (according to Order).

LORD REDESDALE said, that the powers proposed to be conferred on the Local Government Board by these Orders

were excessive. The period for the repayment of money for public improvements in this case should not exceed 50 years from the date of borrowing, and he would move a clause to that effect.

After the clause inserted in Committee moved to insert the following words:—

("Nothing contained in the Order hereby confirmed relating to the Borough of Birmingham shall entitle the urban authority to extend the time for the repayment of the money borrowed under the security of the Street Improvement Rate in the Act of 1851, or under the powers of the Parks Act, 1854, beyond the period of fifty years after the same have been respectively borrowed.")—(*The Lord Redesdale.*)

THE LORD CHANCELLOR said, he could not agree in the view taken by his noble Friend of these Provisional Orders. He must also point out that the Local Government Board had no power to alter Private Acts of Parliament except by the authority of Parliament. They possessed merely the power of making communications in the form of Provisional Orders to Parliament, as to what they considered right to be done; and their Lordships, unless there were imperious reasons for taking a contrary course, always acted upon the recommendations contained in the Reports of their own Committees. He thought therefore that, on finding that the Local Government Board had adopted this Provisional Order after full deliberation and inquiry, their Lordships would be slow to come to a different conclusion and upset the whole of the local arrangements which the Department had recommended. The powers which it was now proposed to confer on the Local Government Board were not greater than those contained in Private Bills. Last Session two Acts, passed with regard to water and gas in Birmingham, authorized the repayment of borrowed money to be extended over a period of either 75, 85, or 95 years—he did not recollect which; and the arguments which then satisfied the noble Chairman of Committees of the propriety of granting such a long period of repayment applied with redoubled force now, when Birmingham was saddled with the additional burden of the improvements under the Artizans and Labourers Dwellings Acts to the extent, he believed, of half or three-quarters of a million. He believed the Local Government Board had exercised a wi

*Lord Redesdale*

discretion in adopting 75 years in this instance, and he trusted the House would not accept the Amendment.

THE DUKE OF SOMERSET objected to the Local Government Board practically legislating absolutely on these matters.

LORD REDESDALE said, he must press his Amendment.

LORD COTTESLOE said, he was glad that his noble Friend (Lord Redesdale) had pressed this subject on the attention of the House. Large sums were being advanced for local objects throughout the country. The President of the Local Government Board brought forward his Budget the other day, which showed that the sums already advanced and likely still to be advanced in that way were very considerable; but the House of Commons was hardly aware of the extended period for which those loans were made. Happening himself to be a Member of the Public Works Loan Commission, he could state that, instead of those loans being made, as they formerly used to be, for 20 or 30 years, 50 years was now the ordinary period for their repayment. It appeared to him that those periods were much too long.

On Question? Their Lordships divided:—Contents 34; Not-Contents 18: Majority 16.

*Resolved in the Affirmative.*

An Amendment made; and Bill to read 3<sup>d</sup> To-morrow.

House adjourned at Six o'clock.  
To-morrow, Eleven o'clock.

## HOUSE OF COMMONS.

*Thursday, 20th July, 1876.*

MINUTES.]—PUBLIC BILLS—Ord.

Reading—Public Record Office \* [1876]

Servants Superannuation (Un-  
mates) \* [263].

First Reading—*Local Government Board*

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&c.) \* [255]; Local Government Provisional Orders (Chelmsford, &c.) \* [256]; Parliamentary Electors Registration \* [169].

*Select Committee—Report—Ardglass Harbour* \* [200]; *Erne Lough and River* \* [187].

*Committee—Elementary Education* [155]—R.F.

*Committee—Report—Cattle Disease (Ireland)* [94]; *Juries Procedure (Ireland) (re-comm.)* \* [176-261]; *Exhausted Parish Lands* \* [252].

*Considered as amended—Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation* \* [241].

*Third Reading—Metropolitan Commons (Barnes)* \* [234]; *General Police and Improvement (Scotland) Provisional Order Confirmation (Paisley)* \* [235]—(Perth) \* [236]; *Public Health (Scotland) Provisional Order (Irvine and Dundonald)* \* [237]; *Elementary Education Provisional Order Confirmation (Tollshunt Major)* \* [238]; *Local Government Provisional Orders (Carnarvon, &c.)* \* [239]; *Provisional Orders (Ireland) Confirmation (Coleraine, &c.)* \* [240]; *General Police and Improvement (Scotland) Provisional Order (Lerwick)* \* [242], and *passed*.

*Withdrawn—Arklow Harbour Improvement* \* [199]; *Linen and Hempen and other Manufactures (Ireland)* \* [216]; *Agricultural Holdings (Scotland)* \* [159]; *Poor Law Guardians Elections (Ireland)* \* [88].

#### ARMY—AUXILIARY FORCES—MILITIA ADJUTANTS.—QUESTION.

COLONEL NAGHTEN asked the Secretary of State for War, When the Adjutants of Militia who have done duty as acting Paymasters will receive the allowances promised them in May last?

MR. GATHORNE HARDY: I am afraid I cannot say exactly when these allowances will be issued to the officers in question, as the subject is now under the consideration of the Militia Committee. Some allowance for the duties performed will, however, undoubtedly be granted.

#### ARMY—FORAGE ALLOWANCE. QUESTION.

MR. J. HOLMS asked the Secretary of State for War, Whether forage allowance is not granted to all substantive field officers except Majors of the Royal Artillery and Royal Engineers; and, why Artillery Majors should not be placed on the same footing as Infantry Majors in that respect?

MR. GATHORNE HARDY: I must answer the first Question in the affirmative: but forage allowance is not granted to officers holding the relative rank of officers, unless their duties require to be mounted. Forage is

not an emolument of the officer; it is issued to him only when the officer's duties require him to be mounted. Majors of the Royal Artillery and Royal Engineers frequently do not need to be mounted. When they do they receive forage or allowance in lieu, the same as Brevet field officers.

#### CHANNEL ISLANDS—ROYAL COURT OF JERSEY—ORDERS IN COUNCIL.

##### QUESTIONS.

MR. LOCKE asked the Secretary of State for the Home Department, Whether another Order in Council was presented to the Royal Court of Jersey on the 4th day of July 1876 for registration; and, whether the Bailiff of the Island refused to register the same, and his reasons for so doing? Also, Whether it is the intention of Her Majesty's Government to accept the resignation or confirm the appointment of any Jurat of the Royal Court of Jersey so long as the Court refuse to register Orders in Council or Acts of Parliament?

MR. ASSHETON CROSS, in reply, said, he had received a telegram from the Lieutenant Governor of Jersey respecting the Order in Council of which it was alleged that registration had been refused by the Bailiff. The Lieutenant Governor was of opinion that the Bailiff's act could not be construed into a refusal to register, and therefore the Lieutenant Governor did not see why the Government should interfere with the appointment of any Jurat. It was probable that the Order in Council would be registered at the next meeting of the States, which would be held next week.

#### JAMAICA—MR. P. A. SMITH, DISTRICT JUDGE.—QUESTION.

MR. RICHARD asked the Under Secretary of State for the Colonies, Whether a number of Custodes of Hanover and Saint James, in the island of Jamaica, and also of the Magistrates, have signed and presented a Memorial to the Governor, praying for the removal of Mr. P. A. Smith, District Judge of Montego Bay; and, what has been the course adopted by the Governor or by the Secretary of State for the Colonies in consequence?

MR. J. LOWTHER, in reply, said, it was true that such a Memorial had

PEACE PRESERVATION ACTS—THE  
COUNTY OF LOUTH.

QUESTION.

MR. CALLAN asked the Chief Secretary for Ireland, Whether his attention has been called to the eminently satisfactory condition of the borough of Dundalk and the county of Louth, both as regards offences against the person and property, as evidenced by the calendar of prisoners, the constabulary returns of crime, and the charge of Mr. Justice Fitzgerald to the grand jury of the county of Louth on the 11th instant, that—

"The detailed reports laid before him presented a very gratifying aspect as regarded the county of Louth, for they showed that during the five months that had elapsed since the last assizes only four cases of crime had been reported. I can only express a hope that the county will establish for itself and maintain permanently the character it now deserves of immunity from crime;"

and, whether he is prepared, in view of the foregoing circumstances, to revoke the Proclamation placing the borough of Dundalk and the county of Louth under the provisions of the Peace Preservation Acts?

SIR MICHAEL HICKS - BEACH: In reply to the Question of the hon. Member, I have to state that I believe that the Charge of Mr. Justice Fitzgerald to the Grand Jury of the county of Louth at the Summer Assizes notices the satisfactory condition of the county with regard to ordinary crime; but it must be remembered that the statements contained in the Question of the hon. Member do not exhaust the reasons for which proclamations under the Peace Preservation Act have been imposed, and which must not be forgotten in considering the propriety of maintaining them. However, last Spring the Irish Government caused inquiry to be made as to the necessity for continuing the Proclamation in county Louth, but the result did not, in the opinion of the Government, justify its withdrawal. I am quite ready to undertake that the matter shall again be considered, and I think it will be admitted that the Government have shown that they are not anxious to maintain these Proclamations where they can properly be revoked.

TOLL BRIDGES (RIVER THAMES).

QUESTION.

MR. FAWCETT asked the right honourable the Lord Mayor, Whether, in view of the general desire which is felt by the people of the Metropolis and of the counties of Surrey and Middlesex, that the Toll Bridges (River Thames) Bill, already considered by a Select Committee, should pass this Session, he will withdraw the Notice of opposition which he has given to the Motion to go into Committee on the Bill, so that any objections to the Bill may be considered in Committee?

THE LORD MAYOR (MR. ALDERMAN COTTON), in reply, said, as the matter was the subject of an adjourned debate on the part of the Corporation, he was not prepared to withdraw his opposition to the Bill.

POOR LAW (METROPOLIS)—CASE OF  
CHARLOTTE HAMMOND.—QUESTION.

MR. J. G. TALBOT asked the President of the Local Government Board, Whether he can now state the result of the inquiry held by the Board in the case of Charlotte Hammond, whose death was said to have been caused by destitution; and, whether he will lay upon the Table the evidence taken at the inquiry?

MR. SCLATER-BOOTH, in reply, said, that the result of the inquiry had been exhibited in a letter addressed by the Local Government Board to the Guardians of St. George's Union, and it was published in the newspapers to-day. The House would hardly wish him to read the paper; but the general result was to remove from the Guardians any imputation with respect to the case. The Report would be laid on the Table.

ARMY MOBILIZATION—ROMAN  
CATHOLIC MILITIAMEN.—QUESTION.

MR. SULLIVAN asked the Secretary of State for War, If it is the fact that no provision was made for religious ministrations by clergymen of their own church to the officers and men of the Louth, Longford, and Monaghan Militia Regiments (almost exclusively Catholic Regiments) composing the First Brigade, Second Division, of the Fifth Army

Corps, now mobilised near Salisbury; whether these regiments would not have been left without Divine Service on Sunday last but for the exertions of Lord Arundel, who lives close by, and whose brother, Rev. Mr. Arundel, officiated for that day; whether it is true that a private in the Louth Militia, who died of sunstroke on Saturday, expired without any clergyman to administer to him the last sacraments of the Catholic Church, to which he belonged; and, what steps, if any, have been taken to remedy this state of things?

**MR. GATHORNE HARDY:** It was impossible to any large extent to spare the regular commissioned Roman Catholic chaplains from their ordinary stations to take part in the present mobilization. The War Office, therefore, applied to the Roman Catholic Bishops of the respective dioceses in which the two Army Corps were to be stationed to provide priests, giving at the same time all particulars as to the position of the camps, and stating what remuneration would be given. Mr. Arundel was, in consequence, nominated by Bishop Clifford, and duly appointed by the War Office to do duty with the 1st Brigade, 5th Army Corps. The War Office had no communication from or with Lord Arundel on the subject. No information has been received by the War Office with regard to any man having died from sunstroke. I am not aware that I can take any further steps in the matter than have been already taken.

#### MERCHANT SHIPPING ACTS—THE STEAMER "MARIE."

##### QUESTION.

**MR. A. M'ARTHUR** asked the President of the Board of Trade, Whether the British steamer "Marie," which has been lying for two years past at Santander, and latterly at Bilbao, is about to sail for the river Niger with a cargo of gin; whether his attention has been called to the fact that the vessel is quite unseaworthy, on account of her having been built for river traffic, her engines being partly above deck, and her freeboard being only eight inches; and, whether, having regard to the fact that the local authorities at Bilbao have power to detain unseaworthy ships, he has taken steps to prevent the sailing of the "Marie?"

**SIR CHARLES ADDERLEY:** The circumstances relating to the British steamer *Marie* are these—About two years ago it was reported that she was lying at Bilbao, and her crew refused to sail in her, as unfit to go to sea. The Board of Trade instructed the Consul to summon a Naval Court, which, after survey, reported that she was unfit for a wintervoyage. New owners having lately bought her, and being about to send her to sea, the Board warned them of what had occurred, and sent information to the Committee of Lloyd's and the Salvage Association. A telegram has this day been received from the Consul at Bilbao stating that she was going to sail for the Niger, and that the crew were willing to go, and that he was of opinion that there were no reasons for detaining her from the proposed voyage. There are, however, no local authorities having power to detain a British ship at Bilbao.

#### ELEMENTARY EDUCATION ACT—CERTIFICATED CHILDREN—CLAUSE 14.

##### QUESTION.

**MR. HEYGATE** asked the Vice President of the Council, Whether any estimate has been formed of the amount likely to be charged upon the Imperial revenue under the provisions of the fourteenth Clause of the Elementary Education Bill; and, if he will consider the propriety of limiting, according to the number of children in each school or otherwise, the amount of school fees payable for children who may obtain certificates under the provisions of such Clause?

**VISCOUNT SANDON**, in reply, said, this was a very difficult matter to calculate. He had, however, placed an Amendment on the Paper which he thought would meet the views of his hon. Friend and other Members on this subject. It was proposed that only 10 per cent of the children should get these certificates in each school, the preference being given to those attending for the longest time, and they must make 350 attendances in each year and pass an advanced Standard. Those provisions would extend to schools where the fees were not higher than 6d., and the fees to be paid for higher education not more than 6d.

PARLIAMENT—ARRANGEMENT OF  
PUBLIC BUSINESS.—OBSERVATIONS.

THE MARQUESS OF HARTINGTON :  
Mr. Speaker, this being the 20th of July, and there being 31 Government Orders on the Paper, the House will not, I think, consider it unreasonable if I ask the First Lord of the Treasury whether he is able to give the House any intimation of the probable course of Business during the next week, and, if possible, during the remainder of the Session. I trust it may be possible to get through the Committee on the Education Bill in the course either of to-night or to-morrow morning; but the right hon. Gentleman is in a better position than I can be to form an opinion on this subject; for I believe the Government clauses and the new clauses proposed by the Government have already been disposed of, and the remaining work of the Committee consists chiefly of new clauses proposed by hon. Members sitting on the right hon. Gentleman's own side of the House. The first Question, then, which I wish to put to the right hon. Gentleman is, What business he proposes that the House should proceed with after the Committee on the Education Bill is disposed of? I should have liked to have asked whether the Government are now in a position to state, with regard to their other measures standing on the Notice Paper, their intention of proceeding with or abandoning any of those measures; but I know from the experience of last Session that the right hon. Gentleman has a great objection to make what he considers a premature statement on this subject, and, therefore, unless he wishes to make any statement on that matter, I shall not press him to do so. However, it will not, I think, be wasting the time of the House if I point out very shortly the great number and great importance of the measures which have already up to the present time made but small progress in the House, and which must still occupy a great deal of time. Besides the Education Bill, there are on the Paper at present the following measures which, I think, the right hon. Gentleman will agree, occupy a front place among legislative measures. There are the Prisons Bill, the Appellate Jurisdiction Bill, and the Supreme Court of Judicature (Ireland) Bill, the two University Bills, the

Valuation Bill, the Bill that has just been printed, and is coming to us from the House of Lords, the Cruelty to Animals Bill, and another—I do not know whether it has yet come down from the House of Lords, but if not it soon will, with very considerable Amendments—the Merchant Shipping Bill. In addition to these important measures, there is also some work to be done in Committee of Supply. I am perfectly willing to bear testimony to the advanced state of preparation in which the Estimates were presented early to the House and the progress which consequently the House was able to make at an early stage of Supply. But there are still some very important Estimates to be taken, and I believe it was understood when the last Vote on Account was taken that a pledge was given on the part of the Government that the discussion on the remaining Votes would not be postponed until the close of the Session. Besides those measures of importance I have mentioned, there are a great number of measures of considerable importance, but perhaps of somewhat minor importance to those I have enumerated—the Pollution of Rivers Bill, the Highways Bill, the Patent Law Amendment Bill, the Suez Canal Shares Bill, the Bishopric of Truro Bill, and the Poor Law Amendment Bill. There is also a considerable number of measures relating to Ireland. There are the Linen and Hempen and Other Manufactures Bill, the Irish Prisons Bill, the Juries Procedure Bill, the Civil Bill Courts Bill, and the Clerk of the Crown and Peace Bill. It would be very convenient to learn from the right hon. Gentleman what course he means to take with reference to these Bills. I now come to the Scotch Business, about which I know the Members from Scotland take a very great interest, and in reference to which they are extremely anxious, if possible, that an intimation of the intention of the Government should before long be made. A statement was made by the right hon. and learned Gentleman the Lord Advocate with regard to one of these Bills. I am not in a position to say whether that statement will facilitate further discussion; but, besides the Sheriff Courts Bill, to which he referred, there are the Poor Prisons Bill, the Eccle Bill, the Agri- the Roads

and Bridges Bill. Now, Sir, I have said that I am not going to press the right hon. Gentleman to make any statement as to which of these Bills it is the intention of the Government to proceed with, and which they intend to withdraw; but I think we have a right to appeal to the Government on one point. There was a very important measure which was introduced at the commencement of the Session—the Maritime Contracts Bill—and which we were informed was intimately connected with and even as important as the Merchant Shipping Bill, and we understood that both Bills were to be proceeded with together. No progress was made with the Maritime Contracts Bill, and a short time ago the Order for the Second Reading of the Bill was discharged without any Notice being given to the House of the intention of the Government. I believe also the Order for the Indian Legislation Bill was discharged, and I am not aware whether any Notice was taken of the proceeding. I think, however, it due to House that when the Government have made up their minds that important measures are not to be proceeded with, some intimation should be conveyed to House of the intention of the Government, and that we should not be left to find from an inspection of the Votes that the Minister in charge of the measure has come down to the House, and moved the discharge of the Order for that measure. The Government measures to which I have referred are not the only matters which will require a portion of the time at the disposal of the Government. The Government have contracted several engagements towards private Members, as to the fulfilment of which I think the House will be anxious to have some information. It is understood that as soon as the Papers on the subject of the recent negotiations on Turkish affairs have been presented to Parliament—and I must say here that there appears to have been a very considerable delay in their production—as soon as these Papers have been presented, and the House has had time to consider them, an opportunity will be afforded to the House for a discussion on Turkish affairs. There is also an understanding that a day will be given to my learned Friend the Member for

(Sir William Harcourt) to bring his Motion on the subject of the on Treaty negotiations. We

have also been promised that an opportunity would be given to us to discuss, if we think proper, the mission of Mr. Cave to Egypt. And last, though not least, I have to call the attention of the right hon. Gentleman to the Indian Budget, with regard to which promises are invariably made in the beginning of every Session, but which generally share the same fate. I believe the discussion on the Indian Budget this year will be even more important than it usually is. My hon. Friend the Member for Hackney (Mr. Fawcett), has given Notice to call attention, on the Question that the Speaker do leave the Chair on the Indian Budget, to the effect which the depreciation in the value of silver has had on Indian finance, and I believe that that is a very proper opportunity to raise the discussion on this important question. I hope, therefore, the right hon. Gentleman will be able to assure the House that the discussion on the Indian Budget will not be postponed as usual to the very last day of the Session. Whatever may be the intentions of the Government with regard to the prosecution of their own measures, I think we have some right to express a hope that they will take measures to fulfil the engagements they have entered into with the House with as little delay as possible, and that they will be able, as soon as the Committee on the Education Bill has been concluded to make arrangements that will enable us to discuss in good time the important matter to which I have referred. I beg to apologize to the House for having taken up so much of its time; but I feel at this period of the Session the House will be anxious to obtain all the information of the probable course of Business which it is in the power of the Government to give.

Mr. DISRAELI: The noble Lord is quite accurate in stating that I am generally disinclined to the precipitate giving up of Bills introduced to the notice of Parliament; because experience has taught me that, although the end of the Session may be impending, that very circumstance sometimes leads to a happy compromise which really facilitates progress, so that measures may be carried which at first blush may not appear in so promising a position. The noble Lord is also quite accurate in stating that any undertaking made by the Government for the discussion of public affairs will, I hope, be fulfilled, not only in the



letter, but in the spirit; and I will endeavour to express to the House what is the course which I think we ought to pursue at the present moment. In answer to the first Question of the noble Lord as to what Business we will proceed with after the Committee on the Education Bill, I propose, without pledging myself to everything, to proceed first with the Prisons Bill, then with the two University Bills and the Appellate Jurisdiction Bill, and I should be sorry if I cannot by the time when these Bills are passed appoint a day for the Indian Budget. The Indian Budget, being always an interesting subject, this year promises to be one universally so, and will require the consideration of a not thin House. On Monday, the 24th of this month, we propose to go into Committee of Supply in fulfilment of the engagement made by the Government that the Education Vote, on which we had an advance on account, should be considered in the month of July. Therefore we fulfil that engagement. On Monday, the 31st of July, we propose to go again into Committee of Supply, when the Vote respecting the Mission of Mr. Cave and the affairs of the Suez Canal will be before the House. That is another of the subjects on which the noble Lord considers, and justly, that we have promised an opportunity for full discussion should be secured to the House. With regard to the discussion on Turkish affairs and also upon the Extradition Treaty, of course the noble Lord and the House will see that I cannot at once fix an exact day. First of all, the Papers, I regret to say, are not yet in the hands of hon. Members, although I hope they will be within 24 hours or little more; but I will communicate with the noble Lord on the subject, and endeavour, with his assistance and concurrence to fix days for the discussion of these subjects convenient to both sides of the House. The noble Lord complains that the Maritime Contracts Bill and the Indian Legislation Bill have been withdrawn without Notice from the Paper. Now, I think the noble Lord is under a mistake in that respect. My memory is that the Chancellor of the Exchequer, with respect to the Maritime Contracts Bill, and my noble Friend the Under Secretary of State for India, with regard to the Indian Legislation Bill, made statements to the House; and that ample Notice was given to the House of

the intentions of the Government. With regard to other measures before the House, there are certain Bills which I may at once state it is our intention to withdraw—namely, the Valuation Bill, the Highways Bill; two Scotch Bills—namely, the Poor Law Amendment Bill, the Agricultural Holdings Bill; and the Patent Law Amendment Bill. I will not proceed further in that vein at present. But I do not despair of making considerable progress in Public Business in the reasonable time we may estimate that yet attends us; but in doing that I must ask for the assistance of the House, and for that indulgence which has always been accorded to us—namely, the remaining Tuesdays and Wednesdays of the Session.

MR. LOWE asked what the intentions of the Government were with respect to the Bill for amending the law relating to cruelty to animals?

MR. DISRAELI: That is not one of the Bills that I have announced that the Government are prepared to relinquish.

THE O'DONOGHUE asked the Chief Secretary for Ireland what Irish measures the Government intended to proceed with this Session?

SIR MICHAEL HICKS-BEACH: Besides the Bill alluded to by the noble Lord opposite—namely, the Irish Judicature Bill—there are one or two measures, relating specially to Ireland, of very considerable importance. With regard to those on the Paper to-night, I am in hopes that we shall be able to get through Committee on the Cattle Diseases Bill. It is proposed to discharge the Order respecting the Linen and Hempen and Other Manufactures Bill. The Juries Procedure Bill awaits further consideration in Committee, but I have reason to think that it will be practically unopposed. The Prisons Bill is an important measure, but its progress will depend in a great degree on the fate of the English Prisons Bill.

MR. R. SMYTH: I have listened with some alarm to the concluding observations of the right hon. Gentleman at the head of the Government. It so happens that I have a Bill down as a First Order, indeed the only Order, of the Day for Wednesday, the 2nd of August—namely, the Sale of Intoxicating Liquors on Sunday (Ireland) Bill. That Bill, after meeting with many difficulties, has been : and time by a considerable : whilst I think

*Mr. Disraeli*

it quite reasonable that the Government should appropriate to themselves those remaining days which private Members have selected for abstract Resolutions, I cannot admit that it is reasonable on the part of the Government to take a day which has been obtained for a Bill, that has already passed a second reading. I feel that I am helpless against the general feeling of the House. ["No, no!"] I do not feel myself altogether helpless on this subject as against the Government. If, however, it is the feeling of the House that the day should be given up to the Government I can only acquiesce with a good grace.

MR. NEWDEGATE had heard with sincere regret that the Government had determined to proceed with the Prisons Bill, because, in his opinion, it was a measure totally opposed to the policy hitherto pursued by the Conservative Party.

MR. CALLAN rose to Order. There was no Motion before the House.

MR. SPEAKER said, he understood the hon. Member for North Warwickshire was about to ask a Question. Any discussion as to the merits of the Prisons Bill would be quite out of Order.

MR. NEWDEGATE said, he was about to ask the First Lord of Treasury whether he intended to proceed with the Prisons Bill that evening, since it seemed improbable that the discussion on the Education Bill in Committee would terminate at any reasonable hour. He trusted that the Government would not attempt to force the Prisons Bill through the House with any indecent haste.

MR. MITCHELL HENRY thought it right to inform the right hon. Gentleman at the head of the Government that the hon. Member for Mayo (Mr. O'Connor Power), who was not present, had a Motion down for the 2nd of August relating to political prisoners. From what he knew of the hon. Member's sentiments, it would not be easy to persuade him to forego the opportunity of bringing on his Motion.

MR. DISRAELI: I do not anticipate at present what will take place on the 2nd of August. It will depend upon the feelings of hon. Members generally at the time. With regard to the question

of the hon. Friend the Member for North Warwickshire (Mr. Newdegate), as to the Prisons Bill stands second night, I do not anticipate that it will be brought before the consideration

of the House to-night. Of course, it will not be proceeded with at an unreasonable hour.

MR. JOHN BRIGHT: I should like to make one suggestion with regard to the Bill of the hon. Member for Londonderry (Mr. Smyth). I understand that it is a Bill about which the House may be said to be agreed. ["No, no!"] At any rate the minority is a very small one. When the Government assented to the second reading of the Bill the right hon. Gentleman the Chief Secretary for Ireland proposed to submit some Amendments in Committee. I do not know in the least what those Amendments are; but whether the Bill is proceeded with further this Session or not, it seems to me that it would be a great advantage, considering that the question is one in which Ireland is very much interested, if those Amendments could be laid on the Table of the House; because, if the Bill cannot be proceeded with further this Session, it is desirable that those Amendments should be the subject of discussion before the House meets again next Session, when the Bill will be re-introduced.

MR. CALLAN wished to ask the Chief Secretary for Ireland whether, considering the absence of Irish Members on the 2nd of August it would be desirable for the Government to place Amendments on the Paper to afford *pabulum* for discussion by agitators during the Recess, and not for the consideration of the House?

SIR MICHAEL HICKS-BEACH said, that on the second reading of the Bill of the hon. Member of the hon. Member for Londonderry (Mr. Smyth) he expressed the opinion that it could not pass into law in its present shape, and that if it were proceeded with this Session, which he did not anticipate either then or now, it would become his duty to propose Amendments. If the right hon. Member for Birmingham gave Notice of a Question he should be happy to answer it.

MR. SULLIVAN complained of the conduct of the Government in the matter of this Bill. Irish Members had expected to have been met in a fair and conciliatory spirit, and now the Government would not tell them what Amendments they proposed to make. For his own part, he could only say that there was only a very small minority of Irish Members opposed to the Bill. ["Order?"]

MR. SPEAKER reminded the hon. Member that he could not discuss the measure; if he wanted to put a Question he might do so.

MR. SULLIVAN merely wished to impress upon the Government the necessity of dealing with the Irish Members in a fair spirit so far as this Bill was concerned.

MR. J. G. HUBBARD had heard with great regret that the Government intended to withdraw the Valuation Bill. He felt that announcement the more keenly, because at the commencement of the Session he introduced a Bill on the same subject, which he withdrew in deference to the Bill of the Government. ["Order."]

MR. SPEAKER inquired whether the right hon. Gentleman was about to put any Question?

MR. J. G. HUBBARD asked if the Government would give him an opportunity on going into Committee of Supply of bringing forward a Motion in favour of the establishment, on a true uniform basis, of local and Imperial taxation?

DR. WARD pointed out that the Irish University Bill was down for the 2nd of August, and the matter was an important one which had not been discussed for some years.

SIR WILFRID LAWSON begged to give Notice, after what had taken place, that if the Government proposed to take Wednesdays for the rest of the Session he would do all in his power to oppose that Motion, and take a division upon it.

THE MARQUESS OF HARTINGTON: I wish to ask the right hon. Gentleman to state on what day he proposes to make the Motion to which he has referred, relating to Tuesdays and Wednesdays. I rather inferred that it was his intention to ask the House at once to give up Tuesdays and Wednesdays to the Government. So I presume that the right hon. Gentleman will make the Motion either on to-morrow or Monday. I ask the question, because when the House makes this sacrifice, it, to a certain extent, makes itself responsible for the management and conduct of business by the Government; and I think that it is a Motion which the House, if asked to agree to it, ought to agree to on full consideration, and upon being satisfied by the Government that the course they propose to adopt is a judicious one.

MR. DISRAELI: I have not any intention to fix any day for the Motion, because I am not myself in favour of the Government availing themselves of the privileges of independent Members, unless there is a very general concurrence. If there is not that general concurrence, I think the Motion will only lead to debates which will retard the progress of Business. I threw out the suggestion rather with the idea that it would give hon. Members opposite an opportunity of paying a happy compliment to the Government.

CAPTAIN NOLAN, referring to the Motion of the hon. Member for Mayo (Mr. O'Connor Power) said, Irish Members would be satisfied with the Tuesday evening if the Government took the morning.

MR. A. BROWN said, he had a Motion on the Paper for Tuesday next, and he should be glad if the right hon. Gentleman would say whether the Government intended to take that evening or not?

MR. T. E. SMITH hoped that in the general arrangements ample opportunity would be found for considering the great changes made "elsewhere" in the Merchant Shipping Bill, after the pains taken by this House in the elaboration of its clauses.

MR. ANDERSON, understanding that the Lord Advocate proposed to retain only the worst parts of the Sheriffs' Court (Scotland) Bill, advised the right hon. and learned Gentleman to withdraw the Bill altogether.

#### ELEMENTARY EDUCATION BILL.

[BILL 155.]

(Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Ascheton Cross.)

COMMITTEE. [*Progress 18th July.*]

Bill considered in Committee.

(In the Committee.)

VISCOUNT SANDON moved the following new clause (Amendment of 33 and 34 Vic. c. 75, s. 97, as to conditions of annual Parliamentary Grant)—

"So much of section ninety-seven of the Elementary Education Act, 1870, as enacts that the conditions required to be fulfilled by an elementary school in order to obtain the annual Parliamentary Grant shall provide that the Grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions and from school fees, and from any sources other than the Par-

liamentary Grant, shall be repealed as from the thirty-first day of March, one thousand eight hundred and seventy-seven. After the thirty-first day of March, one thousand eight hundred and seventy-seven, the conditions required to be fulfilled by an elementary school in order to obtain the annual Parliamentary Grant shall provide that, (1.) Such Grant shall not in any year be reduced by reason of its excess above the income of the school if the Grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school, derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the Parliamentary Grant exceeds the said amount per child; and (2.) Where the population of the school district in which the school is situate, or the population within two miles, measured according to the nearest road, from the school is less than three hundred, and there is no other public elementary school recognized by the Education Department as available for the children of that district, or that population (as the case may be), a special Parliamentary Grant may be made annually to that school to the amount, if the said population exceeds two hundred, of ten pounds, and, if it does not exceed two hundred, of fifteen pounds; and (3.) The said special Grant shall be in addition to the ordinary annual Parliamentary Grant, and shall not be included in the calculation of that Grant for the purpose of determining whether it does or not exceed the amount before in this section mentioned."

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. W. E. FORSTER said, that while the immediate boon to the schools of this new clause would be very slight, the effect would be dangerous both in its economical and educational aspect. Nothing could exceed the liberality of the House of Commons with regard to educational grants. In 1870, £500,000 was the amount moved for the annual grant; that was now increased by the noble Lord to £1,500,000. While the House would not grudge the money to be granted for such a purpose, he thought they should not give up any check they had upon that expenditure without good reason. That check was at present found in the locality being called upon to give as much as was supplied by the State, and the result was that local management was combined with central control. If, however, the contribution were unequally divided, and if the locality gave much less than the the danger was lest the local

management should become so careless that Parliament might be compelled to interfere. The end might be that the State would be eventually inclined to do without local management, and our schools would then pass under a central or bureaucratic control. The present system furnished a strong stimulus to subscribe, and the more money was raised the higher was the capacity of the teachers obtained, and consequently a better education even in elementary subjects was given to the children in their schools. He was willing to admit that there was, to a small extent, a balance of disadvantage, in so far as it was an unpleasant thing to earn money, and then to have a deduction made from it. The Church schools were by far the largest in number, and he found that their total income ending August, 1875, was £1,867,000, which was made up as follows:—Parliamentary grant, £679,000; school-pence, £570,000; endowments and sundry other sources, £101,000; subscriptions, £517,000. Supposing that the stimulus to keep up the subscriptions disappeared, what must they expect to happen? There was nothing unreasonable in supposing that the fees would reach 4d., which upon the average attendance of last year of 1,185,000 children, would give £790,000, being an increase of £220,000. The noble Lord took the possible grant at 17s. 6d. a child. If it reached that average the grants would increase by £358,000, and the result would be that no subscriptions at all would be necessary, and there would be £60,000 profit without them. He did not believe that the grant would reach 17s. 6d., though it would probably reach considerably beyond what it was at present. The chief effect of the clause would be upon the larger schools. He would take a school of 300 children. It was by no means unreasonable to expect that each child would get an average grant of 15s., thus realizing £225. Then, supposing that school not to get a larger fee than 3d., its total income would be £375. He had no hesitation in saying that a good school of 300 children could be liberally managed for £375, and consequently no subscriptions would be necessary for that school. Hon. Members might say, why should there be subscriptions? Simply because if they kept up subscriptions additional money would be raised, and the school would be a better school.

than it would be without them. What the Committee had to consider was, whether they ought to entrust the management of these schools to persons who really gave nothing but their time. Moreover, if one of these schools took advantage of all the extra subjects and tried to give a thoroughly first-rate education it would do so with a tremendous fine upon it. He thought that if no subscriptions were demanded there would be less educational interest and zeal displayed by managers, and that a great number of schools would become very little better than private adventure schools. This plan of the noble Lord if it fully succeeded and became extended throughout the country would, he believed, very much increase the religious difficulty. If it turned out that very large sums were given every year to denominational schools without any considerable amount of denominational subscriptions, persons who did not belong to the denomination would very much doubt whether that was the mode in which public elementary schools ought to be maintained. The sum represented by the deductions was small, amounting to less than £30,000 a-year, but to abolish them would be to establish a principle which, in the end, would, he believed, do much harm even to denominational schools. The noble Lord's proposition really meant that any diminution of voluntary zeal should be supplied by a State grant. Now, the Government in 1870 never supposed it to be the duty of Parliament to supplement by a State grant any want of voluntary zeal. It was in the nature of things that the existence of rate-supported schools should be a great blow to voluntary schools, because a man might fairly say—"By my subscription to voluntary schools I am really saving the pockets of my fellow-ratepayers who are as rich as I am, and who ought to pay their share." But if the result were less voluntary zeal, it was no part of the business of the State to supply the deficiency. He regretted, therefore, that a clause should be proposed which was not only not just, but which would, as he believed, be useless. The Bill with the Amendments courteously accepted by the noble Lord was a considerable progress in education, as well as a considerable boon to the voluntary schools; because the system of indirect and of direct compulsion now introduced by Clause 7 would be very

nearly as strong a measure of compulsion as was contained in the bye-laws of any Board, and thus the Bill would do much to send children into the voluntary schools and to increase the school fees and grant. He wished the noble Lord had contented himself with giving this boon, a boon fairly earned, to the voluntary schools, and had not proposed a clause which could only be adopted at the expense of a very important principle.

MR. HEYGATE, on the contrary, thanked the noble Lord for proposing a clause which would remove obnoxious and unreasonable deductions which had an irritating and depressing effect upon the mind of school managers far beyond their pecuniary value. The right hon. Gentleman argued that, if the clause passed, subscriptions might fall off and voluntary zeal would languish. But those persons who were best acquainted with the working of the Education Grant informed him that the result of abolishing these deductions, which only amounted to some £26,000, would be exactly the contrary of that suggested, and that subscriptions were more likely to be elicited than checked thereby. It was suggested that if the deductions were abolished, voluntary schools might live without any subscriptions, and would thus cease to be voluntary. But how could that be? In 1874 over £600,000 was contributed by voluntary subscribers, and how then could the additional £26,000 enable them to dispense with the £600,000. Then, again, as much as £14,000,000 had been spent, indeed, upon Church schools, but the hon. Member who had stated that fact omitted to mention that that sum represented only the cost of building them. That large sum represented an amount of voluntary effort, which had done an immense deal of good, and saved large sums of money to the ratepayers, and that should be favourably remembered now. The Report of the School Management Committee of the London School Board, presented on the 31st of May this year, estimated the average cost of each child at £2 15s. 2d. But in the voluntary schools the average cost was £1 17s. 1d. This 18s. difference was due to voluntary services in the voluntary schools, and was as good as so much money in annual subscriptions, so that, even without taking subscriptions into account, they were still entitled to be considered as voluntary institutions.

*Mr. W. E. Forster*

Payments by results with drawbacks was simply taking back by the State with one hand what it gave with the other, and that was a sort of thimble-rigging which people did not understand. Another objection to the system of deduction was that it fell heaviest on those districts which were least able to bear it. Schools in rich districts like Belgravia never lost a portion of the grant by these deductions, it was in poor places like Rotherhithe that the loss was felt. He entirely disapproved of the arguments used against the Bill, and gave the clause his most hearty support.

MR. W. HOLMS said, the clause proposed to give grants from the Imperial Exchequer entirely irrespective of the amount of the contributions of individuals or of the fees paid. Two months ago, when introducing the Bill, the noble Lord said it was not the intention of the Government to reverse the policy of 1870, but the fact was that the clause in one respect—namely, with regard to the payment for elementary education—would very materially subvert the policy of that Act. The policy of the Act of 1870 was to spare the public money when it could be done without, to procure as much as possible from the parent, and to stimulate the generosity of those benevolent men who desired to assist their neighbours. Every one who read the Reports of the Council on Education would agree that that policy had been most successfully carried out. In 1871 the amount of voluntary contributions to the schools was £418,000, in 1874 it rose to £602,000, and in the first-named year the Government grants were £575,000, and in 1874 £1,050,000. The school fees also rose, showing that the parents were willing to respond to the action of Parliament. If the present clause were adopted, instead of stimulating private contributions the effect would be to diminish them, and in the course of a few years they would entirely cease. He then pointed out that if the latter part of the proposed clause, which gave a special grant of £15 per annum to a district where there were less than 200 inhabitants, in addition to the annual Parliamentary grant which might amount to 17s. 6d., a total amount of 30s. might actually be paid for each child attending school in such a district.

MR. RITCHIE denied that there was any truth in the view taken by the hon.

Member opposite (Mr. W. Holms), that this clause amounted to a reversal of the policy of 1870. On the contrary, he maintained that this clause was drawn precisely on the lines of that measure. He denied, too, the opinion expressed by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) that it would increase the expenses of management, and lead to useless expenditure. On the contrary, some of the existing deductions were a distinct premium on extravagance. The grant earned was reduced if the sum spent on maintenance was not double the amount of the grant earned, and this led in many cases to money being expended really unnecessarily in order to obtain the amount of the grant without deduction. This I call a premium on extravagance. There was nothing in the principle of payment by results that was objectionable; and he maintained it as an indisputable fact that the squeezing out of voluntary schools, which was going on in many parts of the country, would lead to a considerably increased expenditure, and that the ratepayers had, from a merely pecuniary point of view, a large interest in their maintenance. At present about 8s. per year per child was paid by the friends of voluntary schools, and that amount would be withdrawn from educational means, and the ratepayers be charged with a great additional burden if these voluntary schools should be closed. As an addition to the sum subscribed voluntarily which would fall on the rates if denominational schools were transferred to boards, the cost of education in board schools, while not more efficient than in the denominational schools, was much more costly. This extra cost would also have to be borne by the ratepayers. Any clause like the present, which tended to encourage local voluntary effort, ought surely to receive the support of Parliament. With regard to what was called the religious difficulty, he could only say that he regarded the maintenance of voluntary schools as the only guarantee that the children of the country would be brought up in any knowledge of religion at all. As long as the Conscience Clause was carried out there could be no cause of complaint from any religious denomination, nor any violation of conscience; but there would be a violation of conscience if they said to a parent who was anxious that his children should receive a reli-

gious education—"You must send your children to a school in which, whatever they are taught, they will receive no religious instruction." He believed that the great majority of the people of the country were in favour of the maintenance of the voluntary schools, because it enabled them to obtain for their children a religious education which was suited to their every day lives.

MR. LYON PLAYFAIR said, if the clause passed, school managers and masters would soon be enabled to adapt themselves to it, and when they did there would come all the dangers the right hon. Gentleman (Mr. W. E. Forster) had pointed out. It would give the school managers a temptation to raise the fees, and the effect would be that the interests of the poorer children would be sacrificed. The clause allowed new sources of revenue to enter into account for the first time. Endowments did not count formerly as local subscriptions, but they were to do so now. Under the present Code they had been used for raising the character of the school, and for giving higher education; but under the new clause endowments would be merged in the private subscriptions, and would not have the same effect that they would formerly. They would find that as school managers and masters would adapt their schools to the conditions of the clause, voluntary subscriptions would fall off, and the Chancellor of the Exchequer would consequently have to render greater help to schools. Virtually the proposal of Her Majesty's Government amounted to a reversal of the policy adopted in 1870, which, as explained by his right hon. Friend the Member for Greenwich, who was then First Minister, was not intended to interfere, and in operation had not interfered, with free private contributions; and he trusted hon. Members would consider the matter very deeply before they accepted a provision which would lead to the waging of a new war with denominationalism. The House always attached great importance to experience, and he would therefore give them an experience. They were going to bring their schools into the condition of the schools of Ireland. In regard to those schools, the State paid almost all the money, the subscriptions being of a very trifling amount. The result of the State paying for the education was that school committees existed only in

name, and sometimes not at all, and that, as their substitute, there was merely a denominational manager appointed as correspondent to the Commissioners of Education in Ireland. The effect of this was that the schools did not attract interest in their localities, and did not obtain subscriptions. Was this the position they were to come to in England? He denied that it was to the interest of those who now called their schools "national" to make those schools no longer national but denominational adventure schools. The raising of the war of denominationalism would, he contended, be an injury to the cause of education and a great injury to the voluntary schools. The clause would handicap the schools that gave high class education, so that it would be impossible for them to give that education. It would be far easier to the managers to raise the fees than to keep the subjects of education high. The experience of schools of this character in Scotland was that the teaching of higher subjects raised the whole level of the school. It would be very unfortunate, therefore, if a clause like that before the Committee were allowed to become law, as it would have an undoubted tendency to extinguish the higher subjects in schools. For these reasons, he trusted the clause would not be pressed.

VISCOUNT SANDON said, one of the recommendations of the new clause was its simplicity, whereas the former clause was very complicated. The new clause had now been two days before the House, and he did not think the Committee were unprepared to deal with it. The right hon. Member (Mr. Lyon Playfair) seemed to have overlooked the fact that in Ireland the Government had imposed education upon the country instead of fostering a system which had grown up there, so that the position of the two countries was entirely different. He also seemed to have forgotten that at present many schools were supported by the fees of the children and the Government grant. What peculiar right had managers of those schools to manage them? The parent and the State were alone the contributors. What would be the effect of making any new restriction as to subscriptions? He had made a calculation with respect to certain British, Wesleyan, and Roman Catholic schools, now supported entirely by fees and the Government grant, showing the sum

which would have to be raised by each if the Resolution of his noble Friend (Lord Edmond Fitzmaurice) as to subscriptions was adopted. His calculation was as follows:—Risca British School, £21 6s. 4d.; Liverpool Roman Catholic Practising School, £54 2s. 1d.; Pits-o'-the-Moor Wesleyan, £52 12s. 1d.; Rochdale, Clever Street British, £40 14s. 7d.; Rochdale Wesleyan, £59 13s.; Wandsworth Road, Belmont Baptist, £52 17s. 3d.; Grimsby Wesleyan, £67 6s. 4d.; Exeter Protestant Dissenting Charity British, £13 11s. 5d. The right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) talked about an average fee of 4d., but at present the fee was 2d. in the country and 3d. in the large towns, and even those amounts were considered high. Surely the right hon. Gentleman was too sanguine in his estimate. Objection was made to the 17s. 6d. limit, but after consultation with the Treasury he found it necessary to impose that restriction. When a school assumed a different character it would be necessary that it should get higher fees or subscriptions. At present there was an unequal pressure between the board and the voluntary schools. They must not overlook the fact that this limit had no action whatever on the board schools; but on the voluntary schools it had an immediate effect. The object of the Government was to hold the balance fairly between the two kinds of schools. He could not understand the objection that the Inspectors would no longer work these schools up to the same standard. There was such a thing as a Code passed every year, and if they found there was any decay in the intellectual character or acquirements of the schools a tremendous screw would be put on to see that proper results were obtained. It was a mere dream to suppose that the great mass of the schools would be supported by fees and by the Government grant; for the fact was that a great deal of voluntary effort would be needed. He could not understand why the proposal now made should increase the religious difficulty. Their only desire was to do what was fair and right to all existing schools, and to redress the grievances which were now felt very seriously by many voluntary schools. So far as he was able to judge of the temper of the country in all directions, they were not prepared for the sake of a

very small increase of the Imperial grant to see the voluntary schools extinguished because the balance was not held fairly between them and the board schools. He believed this clause would give a large amount of freedom to teachers and encouragement to schools, breathing into many of them fresh life; and he hoped the Committee would adopt it.

MR. W. E. FORSTER said that, looking at average attendances, the fees in many cases were close upon 3d. a-week.

LORD EDMOND FITZMAURICE said, it seemed to be taken for granted that only secular instruction was given in board schools. The religious instruction given in the London board schools was quite as good as that given in any voluntary schools, and there was only one place, Birmingham, where religious instruction was not given in board schools; but the special reason for that was that the Nonconformists generally had formed themselves into a society for the very purpose of giving religious instruction, and if there were any children left without religious instruction it was because the clergy of the Church of England, with one or two honourable exceptions, had refused to enter board schools. It was admitted by the Vice President that there were many places in which the fees were excessively low, and that parents ought to be encouraged to pay high fees; but in proportion as the grant was increased, a temptation was created to keep down fees. There were other objections. As a labourer in calculating the wages he ought to have, would include the school pence he had to pay, if the fees were kept down artificially by an increase of grant, that would be a direct payment in aid of wages. As, further, what was now contributed out of rates might in future be contributed out of the Government grant, there would clearly be a subsidy in aid of the rates, which explained the popularity of his proposal with hon. Members opposite. The broad objection to the clause was, however, that stated by his right hon. Friend—that it would enable a school, in many cases, to be conducted with little or no local effort at all. The religious question was raised by this clause, because in the case of a denominational school carried on by grants and fees, part of the latter being perhaps



paid by Guardians, the increase of the grant would be a direct subsidy of the religious education, which would not be, in any sense, paid for by voluntary subscriptions, as all the instruction, religious and secular, would be paid for out of public money. The proposition which he had placed on the Paper, which he thought it convenient to explain at this stage, was that no public elementary school should receive any payment from the annual Parliamentary grant unless the money arising from the subscriptions or rates amounted to at least one-sixth part of the total annual income of the school; it would apply to both voluntary and board schools alike. He desired that there should be no inducement to the Government to shovel out the public money in a reckless spirit to the schools in the country districts. Let them, at least, on his side of the House, not be accused of re-opening this difficult question. The responsibility lay with hon. Members opposite, and the day might come when parties were not as parties were now, when they would repent having done so.

Question put.

The Committee *divided*:—Ayes 185; Noes 100: Majority 85.

MR. W. E. FORSTER said, he protested against the sub-section of the clause, as it had been always understood that every school that fulfilled the conditions of the Code should receive the public grant; but this clause would introduce a new principle into the system under which the public elementary schools had hitherto been dealt with.

LORD EDMOND FITZMAURICE moved at the end of the clause to add the following sub-section:—

"If in any public elementary school the income arising from subscriptions or rates do not amount to at least one-sixth part of the total income of such school, there shall be deducted from the annual Parliamentary grant payable to such school a sum equal in amount to the difference between the said one-sixth part of the total income of such school, and the said income arising from subscriptions or rates."

MR. WHALLEY said, the Act of 1870 was welcomed as an attempt to rescue the minds of children throughout the country from clerical influence. The Bill, however, introduced a new system.

MR. A. MILLS called the hon. Member to Order for entering into the general question when the Committee had before it a particular Amendment.

*Lord Edmond Fitzmaurice*

THE CHAIRMAN said, the hon. Member for Peterborough appeared to be travelling rather wide of the subject under discussion.

MR. WHALLEY said, that denominational education was not only ignorance, but injurious ignorance, and the Bill sought to promote denominational education. Its details had been kept back till the end of the Session. The Prime Minister told him last Session that circumstances might arise when certain laws existing in this country against Jesuits—

THE CHAIRMAN said, the hon. Member was clearly travelling from the subject before the Committee.

MR. WHALLEY was sorry he had not been allowed to finish his sentence. He thought that the right hon. Gentleman would find, within his own Cabinet, everything that he (Mr. Whalley) understood by what was called Jesuitism. ["Order."]

THE CHAIRMAN hoped the hon. Member would withdraw this expression.

MR. WHALLEY would of course withdraw it at the instance of the right hon. Gentleman, but protested against the Bill as one which, in its promotion of denominational education, was most retrogressive and a gross insult to the common sense and experience of the country.

MR. W. E. FORSTER supported the Amendment moved by the noble Lord the Member for Calne. He was loth to put a restriction upon any special schools; but he considered that as the Bill now stood it would become necessary.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 83; Noes 130: Majority 47.

On Question, "That the Clause stand part of the Bill,"

MR. RYLANDS said, he rose to oppose the addition of the clause to the Bill. It opened up a question of so much importance that after the attempt to amend the clause in some slight degree had been defeated, he did not think they ought to

add to be added to the Bill.

It involved a reversal of Act of 1870. The point at anxious to draw

the attention of the Committee was one in which, personally, he felt a very deep interest. The clause proposed by the noble Lord was a breach of the compromise entered into in 1870. He had the honour of a seat in the House at that time, and of taking part in the discussions and divisions which took place upon the Education Bill of 1870, and he might remind hon. Members that when they came to consider the details of that Bill they were met by two very great differences of opinion. On the one hand, there was a very large number of Members who were anxious that there should be a national system of education promoted on a basis upon which all persons could concur, and that there should be no interference with religious rights. On the other hand, there was a large number of Members who were in favour of the existing denominational schools, and who urged that it would be unreasonable to pass any measure the effect of which would be to deal harshly or unjustly with denominational schools. If in 1870 they had been in a position to deal with the education of the country as though they were dealing with a sheet of white paper, they would, no doubt, have been able to frame a system which would have been uniform in its character, and comprehensive in all its arrangements. But they had no such sheet of white paper, and they could not shut their eyes to the existence of the denominational schools which had sprung up all over the country under the grants from the Committee of Council. Most of them belonged to the Church of England. He would not attempt to deny that the Church of England was to be very much praised indeed for the large sums of money which that Church and its members had subscribed in support of its own denomination; but it ought to be remembered that although the Church had subscribed a large sum of money it had also received the lion's share of the grants of the Committee of Council, and that during every year in which the Minutes of Council had existed a large proportion of the money granted by Parliament for the purposes of education had been handed over to Church of England schools. Hon. Members ~~would~~ would say—and it was perfectly—  
 —that if the Church had had these contributions from the State, the ~~as~~ might have been in a similar ~~if~~ if they had voluntarily con-

tributed as much. But there was a wide contrast between the circumstances of the rich and powerful Church supported by the State, and the struggling efforts of poor and detached Dissenting bodies, who had to maintain their Churches entirely out of their own resources. It would be seen at once that, although the Dissenters were as anxious to promote national education as anybody, they had not had the means of raising the funds to the same extent as the Church of England. Having been frequently in communication with the Dissenters, he knew they looked with great jealousy upon the large proportion of the funds granted for educational purposes which was enjoyed by the Church of England; and when they came to pass the Act of 1870, they had to ask from the Dissenters a still further concession. As a Legislature they could not treat denominational schools as if they were non-existing. Parliament felt that it was bound to recognize their existence and to treat them with consideration and justice. The Dissenters, although there were great differences of opinion among them, still, in the main, had much sympathy with the difficulties of Parliament, and the result of the discussions in 1870 was, that they yielded to a compromise that denominational schools should be continued. It was to all intents and purposes a compromise; and it was a compromise which was the result of considerable discussion and many divisions. It was also a compromise that was accepted in a great degree by a large number of the moderate minded men in the country, although it was looked upon with some dislike by the more extreme Dissenters. It was, however, accepted generally; and he thought it was a very grave matter for the noble Lord, by this clause, to seek to disturb it, and to propose an arrangement which, he was quite sure, would give much dissatisfaction to those who, out-of-doors, had yielded to it. Perhaps it was as well that he should tell the House why it was that a number of hon. Members with whom he acted in 1870 agreed to accept the compromise proposed by the late Government. They believed that, while the arrangement was just and fair in relation to denominational schools, it did open up a prospect that the board schools would be gradually established throughout the country, and that to a great extent the board schools would absorb the denominational schools. To

a considerable extent there had been an absorption of denominational schools, and what had been done in that direction had been of positive advantage to the country. He did not sympathize with the idea expressed by hon. Gentlemen opposite, that they could not have religious instruction unless they had denominational schools. He believed that in many of the board schools religious instruction was provided, and he would be sorry indeed if it was excluded. In most of the board schools under the Conscience Clause there were the reading of the Bible, and instruction in the main truths of religion, and he thought it was possible to devise a great public school system of that kind. If they could have public schools in which the children of all denominations could commence their life by learning together the great lessons that would fit them for future struggles, such a spectacle was not only in idea an admirable one, but in its effects upon the national character would be found to be of immense advantage. If in our large schools they were to banish all sectarian feelings of rivalry or animosity, he thought they would do much to promote the spread of the best form of education. That was his opinion, and if the effect of the Act of 1870 had been gradually to absorb the denominational schools, and to cover the country over with school boards, he thought it would be of great public advantage. He therefore supported a measure which, while it did justice to the schools connected with the various denominations, did not put a barrier in the way of the adoption of a system which he considered would be better for the interests of the country. If, then, they had been willing that the terms of the Act should be such as to give certain advantages to denominational schools, those who were anxious to see the denominational schools supported ought to be content with the advantages which they obtained under the Act of 1870, and should not attempt now to disturb the compromise which was then entered into. He had refrained from voting in favour of the Amendment of his hon. Friend the Member for Merthyr Tydvil (Mr. Richard) lest it should be taken to mean that denominational schools should be compulsorily withdrawn from the management of the church and denominational committees and handed over to committees of a public character. He

*Mr. Rylands*

believed that such a course would be an act of injustice to the managers of denominational schools. This clause, however, went as much in the other direction, and it seemed to him the effect of the clause would be to place denominational schools upon an equal footing with board schools, to give them additional strength and to increase their numbers. He contended that that was an arrangement entirely contrary to the compromise of 1870, and he therefore felt bound to resist it. The noble Lord said that denominational schools were handicapped in their struggles with board schools. It seemed to him (Mr. Rylands) that they ought to be so handicapped. The only excuse under which they could reasonably come to Parliament to ask for large grants of public money for denominational schools was that they were voluntarily supported. If they were relieved from voluntary support, then there was no argument at all why it should not be claimed that they should be put under public management. Just as he thought the proposal of his hon. Friend the Member for Merthyr was unfair in one direction, so he contended the proposal of the noble Lord was unfair towards the Dissenters. He was fully alive to the difficulties which many very excellent clergymen had experienced in raising subscriptions for their schools. In many of the country districts, good clergymen interested in education experienced the utmost difficulty in raising the necessary funds. They went to the neighbouring landlords and farmers, and had the greatest possible difficulty in screwing out of them a sum sufficient to support the schools. These gentlemen were, no doubt, in circumstances of great difficulty, and he dared say that they were constantly pressing on the Education Department the necessity of giving them relief. But he was of opinion that the only proper relief to give them was to place them under a school board, in order that the adjoining property might be rated and the owners compelled to support the schools instead of creating a charge upon national funds towards which all classes—Dissenters as well as Churchmen—were required to contribute. The proposal contained in the present clause was a gross injustice, and involved a most unfair arrangement, and the sooner these schools, which were receiving so much support, were put under

public management the better. He had offered no undue opposition to the present Bill. Upon certain great principles he went with the noble Lord. He was not one of those who wished to banish religion from the schools, and he did not wish to carry out any extreme views in regard to national education; but as far as the arrangements were made in 1870, and as far as they had been fairly accepted by Dissenters, he would be no party to placing them in a worse position than they occupied under the Act of 1870. For these reasons, he was prepared to oppose the proposition that the clause should be added to the Bill.

MR. BIRLEY said, it appeared to him that many points had been ignored or overlooked in this discussion. As to the compromise alleged to have been effected, the principle was actually invaded in 1872. It was found that, however excellent the intentions of the right hon. Member for Bradford (Mr. W. E. Forster), the provisions of the Act were not hereafter workable. There might be a deficiency of subscriptions for some good schools; but if this Bill were passed into law, he believed that voluntary subscriptions would increase. In thinly-populated districts the voluntary subscriptions would be found especially necessary, and in every three or four years some unexpected emergencies must arise, such as an epidemic, or the illness of the master or mistress of the school. He trusted his hon. Friend opposite would cease to set Nonconformists and Churchmen in such constant opposition. He had hoped that the right hon. Member for Bradford and the right hon. Member for the University of Edinburgh (Mr. Lyon Playfair), even if they could not accept the Amendment of the Vice President of the Council, would have suggested some mode of remedying the inequalities of the present system.

MR. J. K. CROSS pointed out that under that clause and other provisions of the Bill, so-called voluntary schools would receive support from the rates and also 17s. 6d. per annum for each child from the Government.

MR. WHALLEY observed, that this question was agitating Europe at the present moment, and it was owing to the dexterous management of the noble Lord that the public were not so much excited on the gravity of this question as it was in other countries. The Church of England was utterly degraded and put into

an unworthy position by the policy which the Government recommended. The Church of England ought to rest in her pulpit. She ought not to descend to these poor little innocents and try to squeeze into their little brains the Athanasian Creed. There was no comparison between this country and Scotland on this question, because the national character of England was compromised, scandalized, and degraded by the conduct of her clergy—a set of Sepoys. ["Order."]

LORD FRANCIS HERVEY asked if the remarks of the hon. Member were in Order.

THE CHAIRMAN said, that the remarks of the hon. Member were entirely beside the Question.

MR. WHALLEY was much obliged to the Chairman for keeping him in Order, but he was about to point out that our schools to whom these grants would be made were quite equally with our pulpits most remarkable spectacles of what he understood to be Jesuitism. The clergy, sustained more or less for the purpose of promoting what we called the principles of loyalty and Protestantism, supported by an enormous revenue, established the voluntary schools he supposed to carry out their views. They were not to be relied upon to deal with our children behind the pulpit, for it was as much as we could do to manage them for their conduct in the pulpits. ["Order."]

THE CHAIRMAN rose to Order, and pointed out that the Question before the Committee was that this clause should be added to the Bill. If the hon. Member did not keep to the Question, he must appeal to the Committee to support his decision.

MR. WHALLEY almost ventured to think it better that the Chairman should make such an appeal than that he should be restrained from uttering what he believed in his own conscience it was his duty to utter, to see if it were possible to make his voice heard even through that triple barrier, the reporters' gallery. He would not put the Chairman to the test though. He had before absented himself from the House rather than be restrained from speaking on this question in obedience to his feelings and English instincts, and did not return until he was invited back by the authorities. The passing of this clause would be a most outrageous exercise on the

part of the Government of the powers and authority they had by their majority. Their conduct was the most retrogressive and the least honest—["Order"]—of those who advocated—

THE CHAIRMAN must point out to the hon. Member that the expression which he had just used was not customary. He hoped that it would be withdrawn.

MR. ROEBUCK: Surely any Member of this House is perfectly justified in saying the conduct of a Ministry is dishonest. I think it is a right we have. I do not say it was wise to say this in the present instance, but we have this right, and if I thought the Government were acting dishonestly I should claim the right of asserting that they were doing so.

THE CHAIRMAN said, that the hon. and learned Member for Sheffield might have heard such charges made in his experience in that House; but so far as his (the Chairman's) experience went, he had not heard them put with such directness of language; and he thought the practice of Parliament rather was to veil a charge of this sort in words rather less offensive.

MR. WHALLEY said, that he did not say "dishonest" but "least honest," but he would withdraw the words.

MR. NEWDEGATE thought it was quite necessary Members should be allowed to call a spade a spade, and on the present occasion he was happy, in vindication of the freedom of debate, to endorse the expressions of the hon. and learned Member for Sheffield.

Clause added to the Bill.

VISCOUNT SANDON moved, after Clause 24, to insert the following clause:—

(Power to authorise appointment of school attendance committee by urban sanitary authority.)

"On the application of the urban sanitary authority of an urban sanitary district which is not a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a School Board, containing according to the last published Census for the time being a population of not less than five thousand, the Education Department may by order authorise the sanitary authority of that district to appoint, and thereupon such authority may appoint, a school attendance committee as if they were the council of a borough, and that committee, to the exclusion of the school attendance committee appointed by the guardians, shall enforce the provisions of this Act in the sanitary district, and be in that district the local autho-

ity for the purposes of this Act, and on the requisition of the parish but not otherwise shall make bye-laws as such local authority, and all the provisions of this Act shall, save as before provided with respect to the making of bye-laws, apply accordingly as if the sanitary authority were the council of a borough.

"Provided, That the expenses (if any) of a school attendance committee appointed by an urban sanitary authority shall be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in such district, according to the rateable value of each parish, and the urban sanitary authority shall, for the purpose of obtaining payment of such expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor, and the accounts of such expenses shall be audited as the accounts of other expenses of the sanitary authority.

"Any bye-laws in force in an urban sanitary district, or any part thereof, before the appointment of a school attendance committee by the sanitary authority of such district shall continue in force, subject nevertheless to be revoked or altered by the school attendance committee of the sanitary authority.

"Where an urban sanitary district is not a borough, and not wholly within the jurisdiction of a School Board, and is not within the foregoing provisions of this section, the urban sanitary authority of that district may from time to time appoint such number as the Education Department allow, not exceeding three, of their own members to be members of the school attendance committee for the union in which the district or such part thereof not within the jurisdiction of a School Board is situate, and such members, so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, shall be members of the school attendance committee, and have the same powers and authorities as if they had been appointed by the guardians.

"Where a School Board is appointed after the commencement of this Act for any parish which forms or comprises the whole or part of an urban sanitary district in which the school attendance committee is appointed by the urban sanitary authority, such school attendance committee shall, at the expiration of two months after the election of the School Board, cease to act for the urban sanitary district, and the school attendance committee appointed by the guardians shall be the local authority for so much of the urban sanitary district as is not under the School Board.

"All bye-laws in force at the expiration of the said two months shall continue in force, subject to being revoked or altered by the local authority, in pursuance of section seventy-four of 'The Elementary Education Act, 1870,' as amended by this Act."

The noble Lord, in explaining the object of the clause, said it was a very important one. There were a good number of towns which, though they had no municipal institutions, were still very large urban communities, having populations ranging from 40,000 to 8,000;

*Mr. Whalley*

and without some such clause as this those large urban communities would be treated merely as units on the Board of Guardians, having only single representatives there, the effect of which would be that great urban communities would be managed virtually by their rural neighbours. The Government had to contend with considerable difficulty in dealing with this matter, because of the old difficulty of the areas for rating. They had found that they could not adopt urban sanitary districts universally, but they had been able to adopt it in certain districts. They had found that a large number of these urban communities happily coincided with civil parishes; and therefore they proposed in this clause that, where the urban district coincided with one or more civil parishes, the urban district should appoint its own school attendance committee. The limit of population was adopted in such cases—namely, where it was not less than 5,000. In those local improvement districts, which did not coincide with several parishes, it was proposed, where the population exceeded 5,000, to give the urban authorities power, with the assent of the Education Department, to appoint so many members of the Board of Guardians as would fairly represent the districts upon the school attendance committee.

LORD FRANCIS HERVEY feared that the effect of the clause would be that one-half the parishes would have bye-laws, and the other half would have none—a state of things which would lead to confusion. He moved an Amendment to insert after the word “guardian,” in line 9 of the clause, the words “and the urban authorities may make bye-laws, and.”

THE CHANCELLOR OF THE EXCHEQUER said, the objection to the Amendment was that in making bye-laws for enforcing compulsory attendance it was important, as far as possible, to act in accordance with public feeling. Now, the urban sanitary authority were not elected *ad hoc* with a view to the passing of educational bye-laws, and it would be forcing things too far to give them this power without testing the feeling of the parish in some way. Moreover, a requisition from the parish was the mode adopted in a previous clause.

W. E. FORSTER said, the which the noble Lord wished

to adopt for urban sanitary authorities had been adopted for Town Councils, who would act upon their own discretion, though they were not elected *ad hoc*. There was no sufficient reason for making a distinction between the two bodies.

MR. ROEBUCK pointed out that though urban sanitary authorities were not now elected for the purpose of passing these bye-laws, at every election after the passing of the Bill they would be elected *ad hoc*. The chief objection of the Chancellor of the Exchequer therefore fell to the ground.

VISCOUNT SANDON said, that all the matters of changes of area were very difficult, and the Government would consider the matter and state what course they would adopt on the Report.

LORD FRANCIS HERVEY said, he would withdraw the Amendment upon this understanding.

Amendment, by leave, *withdrawn*.

Clause *added* to the Bill.

VISCOUNT SANDON moved, after Clause 25, to insert the following clause:—

(Returns by local authority (although not a School Board).)

“The local authority under this Act (although not a School Board) shall send to the Education Department such returns and information respecting their proceedings under this Act, and respecting matters on which School Boards can be required under ‘The Elementary Education Act, 1870,’ to make returns, as the Education Department from time to time require.”

Clause *added* to the Bill.

MR. WHITWELL moved, after Clause 6, to insert the following clause:—

(Copy of time tables, &c. to be supplied to local authority.)

“The managers of each public elementary school receiving a grant of public money shall, on the first day of June in every year, supply to the clerk of the existing local authority of the school district in which it is situated, whether it be a school board or board of guardians, or the council of a burgh, a copy of the time table or tables that has or have been in use in such school during the year immediately preceding, together with a nominal roll of the children who during that period have availed themselves of the conscience clause for the purpose of being absent from religious instruction during the time such has been given in any such school.”

VISCOUNT SANDON opposed the clause on the ground that the local authority had nothing whatever to do with the internal management of voluntary schools, and that the proposition was the first step towards giving them the management of those schools.

MR. WHALLEY thought it most essential that the manner in which these schools, supported as they would be in a great measure by the rates and the Government grant, ought to be known to the local authority.

Amendment, by leave, *withdrawn*.

MR. ONSLOW moved, after Clause 8, to insert the following clause:—

(Compensation in case of reasonable non-attendance.)

"If the court shall consider that the parent of a child has shown reasonable excuse for non-attendance, the court may at its discretion grant to the parent such a sum of money to cover the necessary expenses and loss of day's wages as it may think fit, such moneys to be paid by the summoning authority."

VISCOUNT SANDON did not think it necessary that the magistrate should have such a power. The matter would be in the hands of the Guardians, and they were not likely to be too hasty in summoning parties.

LORD ROBERT MONTAGU thought there ought to be some power to grant compensation in certain cases.

MR. WHALLEY also contended that there ought to be such a power, and that magistrates ought to be entrusted with it.

Clause *negatived*.

MR. WHEELHOUSE moved, in page 4, after Clause 10, to insert the following clause:—

(Provision for blind and deaf-mute children.)

"The School Board, or other local school authority of any union, parish, or place, may, in its discretion, provide for the reception, maintenance, and instruction of any person being blind or deaf-mute in any hospital, school, or institution established, or to be established, for the reception of children suffering under such infirmities, and may pay the charges incurred in the conveyance of such children to and from the same, as well as those incurred in his or her maintenance, support, and instruction therein; and the said School Board or other school authority may provide for the maintenance and instruction of such child, in every case where there may be special circumstances rendering it advisable, by giving money for that purpose; Provided, nevertheless, That, in respect of any such child, during the period it shall be at school, payment of money for the

purposes of this section shall not be deemed to be parochial relief given to the parent, or person in loco parentis, of any such child, nor shall such parent or other person, by reason of any money given under this section, be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification."

The hon. and learned Member urged the helpless condition of this unfortunate class if left without education, and their liability to become paupers if the special education they required was beyond the means of their parents and guardians, while such special education placed them in a comparatively independent position, enabled them to earn their own living, and saved them from becoming permanent paupers, and thus costing the State far more than it would cost to make them useful members of society. He also urged that the parents of these children paid rates and taxes like other people, and yet they, who most required State aid in the education of their children, could receive no State aid at all and obtain no education for them, because no provision was made for such education. When the Act of 1870 was introduced, it was alleged that provision was intended to be made for the education of every child in England. If this were so, why should these two classes be unprovided for? Experience had shown that voluntary assistance alone was not sufficient to cope with the matter.

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

VISCOUNT SANDON said, he felt a strong desire to benefit these poor children, but the question was how the expense should be defrayed. He had devoted a long time to the consideration of the subject, but had not been able to see his way to the solution of the difficulty. The care and education of pauper children who were blind or deaf and mute devolved upon the Guardians, and there were admirable private institutions for others, supported by voluntary subscriptions. He hoped the Committee would not enter on these large outside subjects in discussing an Education Bill.

MR. MUNDELLA expressed his disappointment with the answer of the noble Lord, and hoped that he would

still consider the propriety of giving the local authority a permissive power to educate this class of children, who, of all others, had special claims upon the sympathies of the country. He believed that in Sheffield provision was being made at the present moment for the education of these children.

Mr. A. MILLS said, the London School Board had taken the subject up, and if it could be done under the present law, he did not see the necessity of a permissive clause in this Bill.

Mr. MUNDELLA said, if school boards had the power, why not extend it to the local authorities?

Mr. SCLATER-BOOTH said, Guardians could already pay for the maintenance of pauper children of this class in special institutions; but it was a very large question whether local authorities should practically take charge of all those unfortunate children, whether of the pauper, or non-pauper class.

Mr. WHEELHOUSE replied that he wanted some provision for the education of mutes who were not paupers and whose parents contributed to rates from which they could now receive no benefit, on the ordinary principle of securing the education of all children capable of receiving it, Government itself having, as he contended, clearly conceded the principle of such education. It was very hard to be told—as he was practically now being told—that the Poor Law authorities had nothing to do with this class, whatever the Education Department had; and when in turn he appealed to the latter Department, to be then told that no provision could be made by this Bill, especially as he (Mr. Wheelhouse), as would be well recollected by the House, had already more than once endeavoured to pass a Bill which he thought then, and still continued to think, would have solved the difficulty had it been accepted.

Mr. ERNEST NOEL said, these children had as much right to education as any other class, and something was already being done for them in Scotland.

SIR ANDREW LUSK observed, that the House was about to take a great deal of trouble and spend much money for the children who could see, and they therefore might take a little pains and go to some expense for the unfortunate children who were blind.

Mr. MUNDELLA appealed to the noble Lord to consider the question upon the Report.

LORD FREDERICK CAVENDISH hoped the noble Lord would not by his sympathies be led into a course which would divert the Bill from its primary object as an educational measure.

VISCOUNT SANDON said, that the Government had a keen sympathy for these poor children, but they could not do everything that was wanted in one Bill. The subject had been considered by the Department, but they did not see their way clearly to make provision for these children in the present measure.

Question put.

The Committee *divided*:—Ayes 54; Noes 223: Majority 169.

Mr. MUNTZ moved, in page 4, after Clause 10, to insert the following Clause:—

(Expense of providing industrial school may, with consent of Home Secretary, be spread over a term of years.)

“Where a School Board have incurred or require to incur any expense in providing an industrial school, they may, with the consent of Her Majesty's Principal Secretary of State for the Home Department, spread the payment over such number of years not exceeding fifty, as may be sanctioned by the Secretary of State, and may contract a loan for such purpose in the same manner as if the said industrial school were a public elementary school; and for this purpose the provisions of section ten of ‘The Elementary Education Act 1873,’ shall be held to apply to such loan, and the First Schedule of ‘The Public Works Loans Act, 1875,’ shall be held to include such work.”

VISCOUNT SANDON said, the principle of this clause was acted upon by school boards at present, only the proposal of the hon. Member made the manner of carrying it into effect clearer.

Clause *agreed to*, and *added to* the Bill.

Mr. PELL moved, after Clause 21, to insert the following Clauses:—

(Dissolution of School Board where no school house or site, and district has sufficient public school accommodation.)

“Where application for the dissolution of a School Board is made to the Education Department by the like persons and in the like manner as an application for the formation of a School Board, under section twelve of ‘The Elementary Education Act, 1870,’ and the Education Department, are satisfied that no school and no site for a school is in the possession or under the control of the School Board, and that there is a sufficient amount of public school accommoda-



tion for the district of the School Board, the Education Department may, after such notice as they think sufficient, order the dissolution of the School Board.

"The Education Department by any such order shall make provision for the disposal of all money, furniture, books, documents, and property belonging to the School Board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the department necessary or proper for carrying into effect the dissolution of the board.

"The Education Department shall publish the order in manner directed by 'The Elementary Education Act, 1873,' with respect to the publication of notices, and after the date of such publication or any later date mentioned in the order, the order shall have effect as if it were enacted by Parliament, without prejudice nevertheless to the subsequent formation of a School Board in the same school district. All bye-laws previously made by the School Board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act."

(Provision where School Board possesses any property or has incurred liabilities.)

"An application for the dissolution of any such School Board as aforesaid shall, if the School Board possesses any property or has incurred any liabilities, be accompanied by a draft scheme, passed by a resolution of the ratepayers in the like manner as the resolution for the application was passed, for the transfer of such property and liabilities to, and the future management of the school by, such authority or body of persons as may be willing to undertake the same on terms to be mentioned in the scheme.

"The Education Department shall take the application and scheme into consideration, and may make an order allowing the same, with or without modifications, and containing provisions for the dissolution of the School Board, and if necessary for the vesting of the property of the School Board and the discharge of their liabilities out of the poor rate of the parish, and for the issue of precepts for that purpose to the overseers by the board of guardians of the union within which the parish is situate, and such other provisions as may appear to the Education Department necessary or proper for carrying such scheme into effect, or they may make an order disallowing the application and scheme; but an order allowing any such application and scheme shall not come into operation until three months from the date of such order, nor shall such order come into operation at all if within such period of three months a resolution is passed by the ratepayers, in like manner as the requisition of a parish to guardians for the purposes of this Act, to the effect that it is not desirable that such order should come into operation."

MR. MUNDELLA opposed the clauses on the ground that they were re-actionary. He could scarcely think that the hon. Member was in earnest in proposing them, because some of the most valuable

school boards in the country were those which had no schools under them. If the Government adopted them, hon. Members on that side of the House would feel justified in using every resource in their power to resist the Bill.

MR. WILBRAHAM EGERTON expressed a hope that the Committee would not allow itself to be deterred from passing the clause by the threat of obstruction which had just been held out by the hon. Member for Sheffield (Mr. Mundella). He (Mr. Egerton) thought that hon. Members on his side of the House could not justly be charged with being re-actionary, as not only had the Act of 1870 been passed, as a compromise, in a very different form from that in which it was introduced, but the example had been set by some hon. Members opposite, who had not ceased disturbing the Settlement of 1870 by agitating for the compulsory formation of school boards. He thought they were justified, when the time came, to review the whole subject, after an experience of six years, in attempting to remedy the defects of the former Act by every means in their power.

MR. W. E. FORSTER said, he hoped the Government would not accept the Amendment that had been proposed. It would not be easy to make an alteration in the existing law more likely to have an ill effect on the cause of education. School boards had enormously increased the amount of education all over the land. They represented hard work as well as devotion to the cause of education, and they had regard to the old municipal principle and greatly encouraged education in the districts in which they were established. They could not have done the good which they had done without exciting some opposition, and the Amendment would subject them to an incessant agitation against their very existence, which must weaken their hands and make it difficult for them to do their work. He could not conceive a greater delusion than the idea that there was any necessary connection between school boards and secular education. The great hope for education was that it should be fastened upon the municipal action of each place, and that the inhabitants should feel that it was their business and duty to promote it, and that they ought to elect bodies for the performance of that duty.

Mr. Pell

THE O'CONOR DON did not see the objections to the clause in the same light as his right hon. Friend. This clause would not apply to cases where sufficient provision was made for education. These school boards were called into existence when there was no other local machinery for enforcing education; but now other local bodies had powers similar to those of school boards. If the proposals contained in this clause were adopted the school boards would not be done away with, and it was only in cases where they had not been successful that the provisions of the clause would apply. He trusted the Government would not reject the clause.

MR. J. G. HUBBARD said, it was right that where it was found that a school board was not wanted, power should be given to get rid of it. He believed that applications had been made to the Education Department, but the answer had been, "No, the school board is there, and it is eternal." Why should such boards be continued when they did not serve any useful purpose? In many cases school boards had been originated from merely party motives, and without reference to the professed object. There were, he believed, many school boards which did their duty well; but, on the whole, he believed there was great dissatisfaction throughout the country, and it was time to give the public power to dispense with them when they did not fulfil the objects for which they were appointed. He could not conceive what there was in this proposal to excite a feeling of alarm.

MR. JOHN BRIGHT said, he was surprised to hear an hon. Member opposite say that this proposition was not at all of a re-actionary character. He was sorry that hon. Gentlemen did not understand what they were supporting. The right hon. Gentlemen who had just spoken had told them the whole story. He condemned school boards because he thought that they were not sufficiently religious, although he admitted that in some cases they were not doing so badly in regard to religious instruction. It was quite clear that if there was any force in his argument he would want to carry it much further, and propose the dissolution of all school boards. ["No."] That was the clear tendency of his argument. Could there be anything more absolutely and completely re-actionary as

regarded the Act of 1870? The Parliament of that day had municipal corporations and Boards of Guardians all over the country, and if they thought proper they could have adopted the recommendations of this Bill and have given school powers to committees of corporations and Boards of Guardians; but they thought it much wiser to have a special board for the purpose, and that special board was the School Board. The hon. Member said there were 530 school boards without schools. — [Mr. PELL: 530 where they have no schools.] — There were a great many of these school boards which had not been at work sufficient long to provide the schools which were necessary in their district. There were many other school boards who had not thought it necessary to build schools because they could take them over all ready. In Rochdale, where he lived, the school board had not had occasion to build a single school, though it had been in operation since the Act of 1870, but it had taken over several schools. These schools were under board management, and were practically board schools. If they adopted this clause they would hand over the powers of the school board to committees of corporations or committees of Guardians; but these would not have power to take over schools. It would therefore be a great misfortune to take away the boards. The right hon. Member who spoke last said there was great dissatisfaction throughout the country with the working of the school boards. [Cheers.]

MR. J. G. HUBBARD: I do not think I said that. On the contrary, I said that there were school boards which discharged their duties well.

MR. JOHN BRIGHT said, it was clear from the cheers which had been raised on the benches around the right hon. Gentleman that he (Mr. Bright) was not alone in his conception of what had fallen from the right hon. Gentleman. He (Mr. Bright) did not think that it was possible to prove that there was any great dissatisfaction, any general dissatisfaction, or any dissatisfaction worth while to name in connection with school boards. There might be Gentlemen who complained of the rates. Hon. Gentlemen had for the last five or six years exercised their political influence in stimulating hostility to the rates. Though there might be a feeling

of that kind, there was a general admission that the institution of school boards was the right thing for Parliament to do, and was one of the best things Parliament had ever done. It might be admitted that there were many school districts which would rather like to get rid of school boards, and run their chance of whatever might happen, to save a halfpenny or three farthings on the rate, and under this clause they would have the whole question re-opened in every district where the smallest minority was dissatisfied. Was it worth while, was it necessary to try and overturn—for what was the real object of this clause—the system which Parliament deliberately adopted in 1870, which was in concurrence with all that they had done with regard to their municipal institutions, and which, he held, had worked admirably throughout the country? The enormous value of the school boards had been shown by the statements of the noble Lord, and he confessed he was astonished, considering how much hon. Members were now prepared to support public and national education, that an attempt should be made to overthrow that system which was deliberately established in 1870, and which the universal concurrence of opinion throughout the country and all the facts and figures before Parliament had shown to be so good. He would undertake to say—without desiring to state what hon. Gentlemen opposite would say was a menace or an expression of undue indignation—that he believed if the clause were to pass it would be felt throughout the country by the warmest supporters of education that a great blow had been struck against the Act of 1870, and that the noble Lord had, in obedience to influences which he ought to have resisted, consented to what he ought never for a moment to have thought of surrendering. He hoped the Government Bill might do the good which the noble Lord expected. He (Mr. Bright) was not what might be called a fanatical supporter of very strict and rigid compulsion. He sometimes was of opinion that there were persons so enthusiastically in favour of education that they worked—he did not wish to call it their hobby—because it was a great wish for the public good which actuated them—but he sometimes thought they were too strenuous in urging a compulsion

which might be very unwise, and almost oppressive. He did think they had adopted a system which had produced great good, and from which the next generation would gather enormous fruits, and he hoped the noble Lord would not assist in strengthening prejudices which, in obedience to the interests of the country, he ought to the last resist.

SIR WALTER BARTELOT was rather surprised that the right hon. Gentlemen, with all that clearness of perception he generally displayed in that House, had failed to appreciate the real question before the House. It was not that school boards should be got rid of absolutely and compulsorily. He could not support a clause having that object in view. He agreed that the Act of 1870 had done a great deal of good, and the school boards in many places had proved of inestimable value; but if the majority of the ratepayers should come to be of opinion that a school board had done its work, or that it would be better for the parish that it should be dissolved, why should they not have power to get rid of it, it was simply a question for the ratepayers.

MR. LYON PLAYFAIR had no doubt that school boards at present produced a good deal of agitation in the election of members. What was proposed to be substituted would increase that agitation ten-fold, for minorities in the course of time became majorities, and they would have another fight, and thus there would be an incessant agitation throughout the country for school boards or no school boards.

VISCOUNT SANDON said, he had listened to the discussion with great interest, and he did not think that was one of those occasions on which it was necessary for any one to get excited. If the hon. Member for Sheffield (Mr. Mundella) thought they were going to abolish school boards, he could understand his feelings; but the Government never entertained any such idea, and they would not think of assenting to it. There was no reason, however, why the place which had once elected a school board should be saddled with it for all time. If they wanted to get rid of it they ought to be allowed to do so, and to act otherwise would be to go contrary to all their English ideas of reform. The result would be that if this power were not granted in the Bill that the minority

*Mr. John Bright*

would govern the majority, and they would compel people to elect a board they did not want to elect. He held they ought to consolidate and strengthen existing local authorities, whether they were Boards of Guardians, Improvement Commissioners, or Town Councils. He might illustrate what would happen if a remedy were not applied by relating a story of what happened to him soon after he came into office. An hon. Member opposite came to him in great perturbation, and said that in his little village of about 200 or 300 people they had elected a school board and put a school under it, but they had got tired of this, taken away the school, but they could not get rid of the school board. "There it is," said the hon. Gentleman, "and they all attack me for having set it up in the village." The Act of 1870 did not give any power to deal with the case; but at last the members of the school board absented themselves for six months from the board, so that all the notabilities of the village were disqualified for all time from sitting on a school board again. When the three years expired, however, they had to go through the farce of an election, and they had to work the Act although opposed to compulsion. Having adopted the principle of popular consent in governing all these matters as the basis of the Act of 1870, he did not see how in opposition to popular feeling they could persist in upholding machinery which had been already superseded. The first part of the proposal of the hon. Member for South Leicestershire (Mr. Pell) was one deserving of the greatest attention. He was not afraid of being told that this was a reactionary measure, for it was no such thing. The right hon. Gentleman opposite had alluded to the fact that he (Viscount Sandon) had defended school boards. He had done so, but it was not necessary that he should champion unnecessary school boards. Two years ago he had stood up for many school boards in the exercise of the principle of compulsion, and he had resisted the attempt to forbid a locality to have a board which desired it. What he said was this, that the popular voice that created the board should have the power to dissolve it—but only in case the board had no school of its own, and, in short, no duty to per-

The right hon. Member for Birmingham (Mr. John Bright) seemed to

think that the Motion involved a complete dissolution of school boards, but that was not the case. He quite agreed with the right hon. Gentleman that the thing must be worked gradually; but was greatly surprised to hear him speak so warmly in favour of the present school boards. He was not at all surprised that the right hon. Member for Bradford (Mr. W. E. Forster) should have done so, because school boards were his own creation, and he (Viscount Sandon) admitted that they had done a great deal of good. He would remind the right hon. Member for Birmingham that in the year 1873 he had condemned the mode of electing school boards, and added that no free breeze of public opinion passed through them, but only the unwholesome atmosphere of sectarian exclusiveness. That was important testimony. He (Viscount Sandon) confessed that although he stood up for school boards where they had work to do, and had done it in Sheffield, in London, in Liverpool, and in several other places he could not put his hand upon them, yet if he found that there were some boards in the country which the ratepayers wished to get rid of, and where the existing local authorities would carry out the work better, he should not think the proposal of the hon. Member for South Leicestershire could be fairly objected to. The Government were prepared to accept the first part—but only that—of his hon. Friend's clause.

MR. JOHN BRIGHT explained, in reference to his speech delivered in 1873 that his objection to the mode of the election of school boards was confined to the cumulative vote. He regretted that the noble Lord had attempted no reply to the objection he (Mr. Bright) had made, that the authority which would be substituted in all places where school boards would be abolished would be an authority that could not build a school if one was wanted, and could not take over any school which the authorities connected with that school might think it desirable to hand over to a public authority. The noble Lord was proposing to substitute a partial and incompetent power for that which was competent and impartial, and on that account the Committee should not support this Amendment, which, so far, was clearly re-actionary.

MR. C. HOWARD thought it would be a great misfortune if they were to impose the task of dissolving school boards upon persons appointed for a very different purpose, and who might be very fit to perform the duties connected with the vestry or country district for which they were elected, but who might not necessarily be most interested in conferring the benefits of education upon their neighbours.

SIR HENRY JACKSON said, that although the Amendment had stood on the Paper in the name of the hon. Member (Mr. Pell) for some time, it had only just been accepted by the Government. It was, therefore, to some extent a surprise upon the Committee and the country, and as it was desirable that the Committee should have longer time to consider it, he moved that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir Henry Jackson.*)

VISCOUNT SANDON said, that at that hour he would not oppose the Motion. He wished to repeat that the Government had only accepted half the Amendment—namely, that which allowed a school board to be dissolved where they had no school. The other half of the Amendment they had refused to adopt.

Motion agreed to.

House resumed.

Committee report Progress; to sit again To-morrow, at Two of the clock.

#### POLLUTION OF RIVERS BILL.

(*Mr. Sclater-Booth, Mr. Salt.*)

[BILL 186.] SECOND READING.

ADJOURNED DEBATE. [22nd June.]

MR. SCLATER-BOOTH proposed that the Bill should be read a second time *pro forma*, and added that he would then place upon the Paper certain Amendments which he believed would meet the objections to it which had been raised on behalf of the manufacturing interest.

SIR CHARLES W. DILKE said, he did not think that this course ought to be assented to, and therefore he moved that the debate be further adjourned.

THE MARQUESS OF HARTINGTON, whilst sympathizing with the President of the Local Government Board in his desire to pass the Bill, could not agree that what he proposed would be a proper way of dealing with so important a subject. The right hon. Gentleman appeared to think it was only a matter affecting a few manufacturers, and that because he had made an arrangement with them, the nature of which was not known, the House had no further concern in the question. The Bill, however, was one involving the interests of the public. It proposed to create a new local authority, as if we had not enough of local authorities already. That was a principle which the House ought not to assent to without further discussion. In his opinion, it was utterly impossible that a question of so much importance could be treated in that manner.

MR. DILLWYN protested against the House being now asked to assent to a measure which had been re-modelled in conformity with some Lobby arrangement.

THE CHANCELLOR OF THE EXCHEQUER maintained that the course proposed by his right hon. Friend was not an unreasonable one, unless there was a desire on the opposite side of the House to obstruct the Bill. This matter had been long under the consideration of Parliament, and a very considerable amount of time and attention had been bestowed upon it. Objections to the Bill had come from a particular class of persons in the country, the Government had endeavoured to meet these objections; and all that was now asked was that they should simply place upon the Table the Bill in the form in which they intended to proceed with it.

MR. GOSCHEN reminded the Chancellor of the Exchequer that very little time had been spent on the Bill in the way of debate and discussion in that House. If the Government chose to give precedence to the Prisons Bill over this measure, they could not fairly charge the Opposition with wishing to obstruct Public Business.

MR. RIPLEY remarked that the President of the Local Government Board was willing to grant such concessions as would tend to make the Bill beneficial to the country, at the same time that it would not injure manufacturers; and he therefore trusted that the debate might not be adjourned.

MR. TENNANT trusted that the Bill would be read a second time, its principle having been repeatedly discussed.

MR. MACDONALD supported the Motion for the adjournment of the debate.

*Motion agreed to.*

Debate further adjourned till To-morrow, at Two of the clock.

# CATTLE DISEASE (IRELAND) BILL.

[BILL 94.]

(Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.)

COMMITTEE. [*Progress 5th May.*]

Bill considered in Committee.

(In the Committee.)

MR. BIGGAR asked, Whether, since there were Amendments to this Bill, it could be proceeded with now, after half-past 12?

THE CHAIRMAN said, that it was quite competent to proceed with the Bill.

SIR MICHAEL HICKS - BEACH said, that many Irish Members, including the hon. and learned Member for Limerick had expressed themselves as willing that the Bill should be proceeded with that evening.

On Motion, That Clause 5 (Effect of order) stand part of the Bill?

MR. BIGGAR said, this Bill was not at all called for. It was only supported in Ireland by the large graziers and cattle salesmen, and it would injure the interests of small farmers. As this clause would put the Bill in operation by means of the Poor Law Guardians, he would move its rejection.

MR. BUTT said, the hon. Member was mistaken in thinking that the large graziers in Ireland wanted this Bill. It had been seen in Ireland that it would be of great advantage to them if they could establish confidence in England in the store cattle exported from Ireland. This would be the result of the Bill, and he was especially anxious that one of its objects—the establishment of an efficient inspection at the ports of debarkation in Ireland—should be attained. This might lead to the abolition of inspection in English ports. He had some Amendments himself, which he would reserve,

on the Report. He thought that the cost of this inspection should be borne by some general fund, and not at the expense of the unions.

SIR MICHAEL HICKS - BEACH assured the hon. Gentleman (Mr. Biggar) that there was no intention on the part of the Government to place on the Boards of Guardians the duty of paying Portal Inspectors, though he did not know that he could hope for aid from the Imperial Treasury. The powers given to the Boards of Guardians were distinctly powers in addition to those already possessed by the Lord Lieutenant.

THE O'CONOR DON never liked this Bill, and in Ireland there was no demand for it. The greatest hope he had in regard to it was that in nine-tenths of the country it would be a dead letter.

MR. MURPHY conceived that the Bill would achieve for Ireland a vast advantage in restoring confidence in Irish cattle in English markets. Six hundred thousand cattle were annually imported into England from Ireland, and Englishmen would be satisfied if they knew that in Ireland the same precautions would be adopted under this Bill as were now adopted in England.

*Clause agreed to.*

*Clause 6 agreed to.*

Clause 7 (Appointment of Committees).

MR. BIGGAR objected to the authority therein given to Boards of Guardians to delegate their powers, and moved an Amendment accordingly.

SIR MICHAEL HICKS - BEACH assented to leaving out the Proviso, if the feeling of Irish Members was against it.

*Proviso struck out.*

Clause, as amended, *agreed to*, and added to the Bill.

Clause 8 (Appointment of Inspectors and other officers).

On the Motion of Sir MICHAEL HICKS - BEACH, Amendment made authorizing the Boards of Guardians to revoke appointments of Inspectors, but requiring them after such revocation to make another appointment so long as required by the Lord Lieutenant.

Clause, as amended, *agreed to.*

Clauses 9 to 12, inclusive, *agreed to.*

Clause 13 (Mode of payment of compensation).

SIR MICHAEL HICKS - BEACH moved, in page 5, line 5, after "union," to insert—

"Provided always, That in case it is proved to the satisfaction of said Chief or Under Secretary that any animal in respect of which compensation has been paid by the treasurer of any union was, within seven days immediately preceding its slaughter, brought into such union solely for the purpose of being shipped to some place out of Ireland, or sold at a fair, and that the owner or person in charge of such animal has not been guilty in relation to such animal of any act in contravention of any order, regulation, or licence made or granted under the principal Act or this Act, then such Chief or Under Secretary shall, by order, direct payment to such treasurer out of the moneys for the time being in the Bank of Ireland, to the credit of the Cattle Plague Account, of the whole of the moneys certified to have been paid by way of compensation in respect of such animal."

*Proviso agreed to.*

SIR MICHAEL HICKS - BEACH promised to consider before Report the subject of the hon. and learned Member's (Mr. Butt's) clauses, providing that the Bill should not extend to animals brought into Irish ports for being again exported therefrom, and for the regulations as to exportation of animals.

*Preamble agreed to.*

*House resumed.*

*Bill reported; as amended, to be considered upon Monday next.*

#### TOLL-BRIDGES (RIVER THAMES)

(re-committed) BILL—(BILL 219.)

(Mr. Alderman M'Arthur, Sir James Clarke Lawrence, Mr. Forsyth, Sir Henry Peek, Sir Trevor Lawrence, Sir Charles Russell.)

#### COMMITTEE.

*Order for Committee read.*

MR. SPEAKER: My opinion having been asked whether this Bill could properly be proceeded with, seeing the extent of the alterations made in the Bill by a Select Committee, I have to state, for the information of the House, that it has been held that the Amendments made to a Private Bill by a Select Committee ought not to be so extensive as to constitute a different Bill from that which has been read a second time by the House. This is not a private

Bill, but as affecting private interests, it has been dealt with as a *quasi-private* or hybrid Bill. It cannot be questioned that the Amendments are of a very extensive character; for the Preamble and the clauses have been completely changed, and both in form and substance it is a new Bill. But the circumstances under which this Bill has been considered by the Committee are peculiar. Early in the Session a Bill was introduced for throwing open the Metropolitan Toll Bridges. But the second reading of this Bill was postponed to a later period; and, in the meantime, the whole subject-matter of the Bill was referred to the consideration of a Select Committee. When that Committee had reported its recommendations to the House, the Bill was read a second time and committed to a Select Committee, nominated partly by the House and partly by the Committee of Selection. To this Committee were referred the Reports of several Committees on the subject, including the Report of the present Session recently made to the House. These circumstances are certainly exceptional. The House deferred the second reading of the Bill until it had received the Report of its Committee, and in committing the Bill to a Select Committee seemed to indicate the scope of the Amendments to be considered by a reference to previous Reports. This proceeding was indeed in the nature of an instruction to the Committee, which permitted a greater latitude of Amendments than is generally allowable. In view of these special circumstances, the House may probably not consider that the Committee has so far exceeded its powers as to require the withdrawal of the Bill. There is, however, a question affecting the Standing Orders which ought not to be overlooked. After the first reading the Examiner reported that the Standing Orders had been complied with. The Committee has since made Amendments affecting private rights and interests, and I would suggest, for the consideration of the House, whether the Bill as amended should not be referred to the Examiners to inquire how far the Standing Orders have been complied with in the Amendments made by the Committee.

*Order discharged.*

Bill, as amended, referred to the Examiners of Petitions for Private Bills to inquire whether the Amendments involve any infraction of the Standing Orders of the House.

Leave given to the Examiner to sit and proceed forthwith.

#### PUBLIC RECORD OFFICE (IRELAND) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend "The Public Record Office Act, 1838," ordered to be brought in by Mr. WILLIAM HENRY SMITH and Mr. ATTORNEY GENERAL.

Bill presented, and read the first time. [Bill 262.]

#### CIVIL SERVANTS SUPERANNUATION (UNHEALTHY CLIMATES) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy climates, ordered to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 263.]

House adjourned at half after  
Two o'clock.

## HOUSE OF LORDS,

*Friday, 21st July, 1876.*

MINUTES.]—SELECT COMMITTEE—Intemperance, nominated.

PUBLIC BILLS—*Second Reading*—Notices to Quit (Ireland) (165); Orphan and Deserted Children (Ireland) \* (180); Queen Anne's Bounty \* (141).

Committee—Bankers' Books Evidence \* (159).  
*Third Reading*—Merchant Shipping \* (177); Elver Fishing \* (164); Poor Law Amendment \* (185); Medical Practitioners \* (157); Local Government Board's Provisional Orders Confirmation (Birmingham, &c.) \* (111), and passed.

### CONFESSION.

#### MOTION FOR A PAPER.

LORD ORANMORE AND BROWNE, who had given Notice to move—

"That an humble Address be presented to Her Majesty for, Copy of Report of the Committee of the Upper House of Convocation of the Province of Canterbury with regard to Confession agreed to in the Session of 1874,"

said, he ought to apologize to their

Lordships for bringing before them a subject not altogether agreeable to some Members of their Lordships' House, but he thought that as most of the Members of the Upper House of Convocation were Members also of their Lordships' House, that was a fitting place in which to bring the subject forward. The subject was not only a complicated one, but it was one of the greatest importance, the interest in which was augmenting every day, for it touched the question of habitual confession—a practice which had been condemned as contrary to the practice and teaching of the Church of England by the highest authority of the Church. It would be in the recollection of their Lordships that he brought this question before the House in 1873, and his Motion was followed by considerable debate in the Upper House of Convocation. Considerable difficulty was expressed as to how the matter should be dealt with, but the purport of the debate was to condemn compulsory confession, and to show that habitual, compulsory, or sacramental confession was contrary to the practices of the Established Church. Notwithstanding this condemnation the practice had increased rather than diminished. As to the Public Worship Regulation Act, it did not give any greater facility in dealing with the practice than existed before the passing of that Act. He had himself attempted to introduce a clause into the Bill in reference to it, but failed. The consequence was that habitual confession was spreading, and there were now scattered over the country several thousand clergymen who practised it; and he might refer in proof of that statement to the Charges from the Bishops of several dioceses speaking of it and lamenting it. There were at that time notices in several churches of the diocese of London—one of which he had himself seen—to the effect that the church would be open for two hours three days a-week for the purpose of confession and absolution. It was perfectly vain for the Bishops to condemn these practices in their Charges, if they permitted the practices in their churches. They had all recently read in the public Press a very unfortunate case, and they all sympathized with the noble Earl (the Earl of Minto). He had recently been talking to a lady who said no doubt they all sympathized with the noble Earl,



but there was not one family among the upper classes in life which had not to regret some similar case. It was a very significant fact that in a recent sermon the Bishop of Manchester said that although no one had a greater dread of the introduction of confession than himself, yet he had been unable to forbid it, as one of his most earnest and most gifted clergymen represented that he could use it to keep young men pure. It did not appear, however, that the existence of the Confessional kept the youth of France and Italy pure, and he contended that the right rev. Prelate, in publicly accepting habitual confession, had acted *ultra vires*, and done a grievous wrong to the National Church. As to the literature of confession, which consisted of works of very questionable morality—some indeed worthy of Holywell Street—they purported to be religious works, instructing the young how to examine themselves; but there was one point especially on which they constantly insisted—namely, that if a person felt inclined to confess, he ought not to allow himself to be influenced in a contrary direction by even his nearest and dearest friends. With regard to this evil, he might mention two typical cases. One was furnished by a letter which was written by a clergyman to a young lady, and which was to the following effect:—

“My dear Child,—I tried to see you after evensong to tell you you should use your own judgment as to whether you should communicate without previous confession. . . . I should not say anything unkind; but it seems to me that if you leave off coming to a sacrament which our Lord has ordained for the forgiveness of sins done after baptism, you are running a great risk. I know no other way by which mortal sin committed after baptism is forgiven except by sacramental confession and absolution. If you are living and dying without again being absolved, it is only right you should see clearly the risk you are running.”

The same clergyman, he understood, had since forwarded to a young lady a small book, entitled *Absolution, and How it is to be Obtained*, containing questions for self-examination on the Seventh Commandment. The second case was described by a letter which had been addressed to him by a father—

“About two months ago,” his correspondent wrote, “I discovered that my daughter had for about 18 months been almost monthly confessing to a clergyman. She tells me that, when she first went there, she told him she was not of

age, and that she had come to him unknown to either of her parents, and that if they knew of it they would be very angry.”

The letter went on to state that this clergyman's church was open every Friday from 3 to 5; that he sat in his surplice in a small room screened from the church, and that one went in at a time, knelt down beside him, and received absolution by his putting his hand on the head. Such was the result of this miserable system that a graduate of the University, a clergyman of the English Church, an English gentleman, being carried away by sacerdotal zeal, acted contrary to all rules of honour or good feeling, and deliberately encouraged filial disobedience and systematic deceit. That case was well known in the neighbourhood where it occurred. The clergy felt their cloth assailed, the laity asked whether their children were to be thus decoyed from them; but they knew that they were safe in the hands of the most rev. Prelate; they knew that he had stated that sacramental confession had no place in the Church of England; they knew he had promised to use all the power and influence of his high position and his high character to suppress it; and, therefore, they were assured that his Grace would publicly visit with the gravest censure one whose conduct was unbecoming a clergyman or a gentleman. He would say one word more. None of them were free from attacks so treacherous, but they were more dangerous in regard to the poor than the rich. The latter could avoid any church in which such practices were carried on; they could, if necessary, change their residence or remove their children from schools; but the poor in agricultural districts must go to one church, or stay away altogether, nor could they avoid the abominable system when introduced into the schools. Had they not a right to expect that Parliament would protect them by seeing that the parish clergyman of the National Church conformed to the practice and teaching of that Church? That habitual confession was gaining daily a stronger hold on the English Church he had shown; he believed that confession was the corner stone of Sacerdotalism, and that no greater evil ever afflicted society. Nationally, it robbed men of self-reliance; in England it would divide class from class. Socially, it would destroy our

English homes, by interposing a stranger between husband and wife, between father and child. Religiously, it would rob us of pure Christianity by creating many mediators instead of one. If a contagious disease threatened man or beast, Parliament interfered to protect them. He prayed now those who had the power to endeavour to stay the advance of that deadly moral malady. The noble Lord concluded by proposing his Motion.

"*Moved*, "That there be laid before this House Copy of Report of the Committee of the Upper House of Convocation of the Province of Canterbury with regard to confession, agreed to in the Session of 1874."—(*The Lord Oranmore and Browne.*)

THE ARCHBISHOP OF CANTERBURY said, he did not understand that the noble Lord made any formal complaint against the right rev. Bench for the mode in which they had dealt with this question. On the contrary, by moving that the House should approach Her Majesty with a request that their formal decision on that subject should be printed and circulated for the benefit of their Lordships, he presumed that the noble Lord rather wished to declare that the formal utterances of the Bishops in the Convocation of the Southern Province were what they ought to be in this matter. He had to state that he offered no opposition whatever to the Address which the noble Lord had moved. He would be very glad that the Report of the United Bishops of the Upper House of Convocation of the Province of Canterbury on that subject should be in their Lordships' hands if Her Majesty was pleased to accede to the Address, and order the Bishop's Judgment to be printed; and he believed the reading of that Report by the clergy would be likely to cure many of the evils of which the noble Lord had not unnaturally complained. The only point on which he understood the noble Lord to complain against any Member of the right rev. Bench was that he did not think they had been able in practice to carry into effect their deliberate and recorded opinion and judgment on that subject, as given in the year 1873. He was glad that the noble Lord had alluded to the correspondence which had passed between himself (the Archbishop of Canterbury) and a gentleman living

at Croydon, because it gave him an opportunity of stating that case, as it was brought under his notice. That gentleman complained in his letter that his daughter had been induced to go to habitual confession by a clergyman, against her father's will and without his knowledge, and also, he might add, against the opinion expressed and laid down in that decision of the Upper House of Convocation. As soon as he (the Archbishop of Canterbury) received that letter he immediately communicated with the clergyman in question to hear what he had to state in his defence. He was not satisfied with what the clergyman said, and he expressed his dissatisfaction in what he considered very strong terms. The particular circumstances which the noble Lord had brought under his notice that evening were not reported to him in the letter which that gentleman addressed to him in the first instance, but in another letter to which, owing to his being absent from that part of his diocese and from pressing business, he had not yet been able to give the attention it deserved; and, the case being one in his diocese, he thought it better that he should inquire into it when public business allowed him to be present in that particular locality. Turning to the general remarks of the noble Lord, he hoped that the noble Lord had exaggerated the extent to which the evil of which he complained was carried. He could not believe that there was no family in the upper ranks of society which was not suffering under this evil: he was loth to believe that the evil was of that magnitude which the noble Lord had described—namely, that whereas the Bishops of the Church had pronounced a very distinct utterance on that subject, many of the clergy had thought themselves at liberty to ignore and set aside that decided and clear utterance of the rulers of the Church. No doubt there were instances in which what the noble Lord complained of did exist. It was true, no doubt, that there were instances when clergymen with more zeal than discretion were unwilling to be guided by those who were their authorized teachers. No doubt, also, the noble Lord had some ground of complaint if notices were placed on church doors inviting persons to do that which the Bishops had very distinctly said they ought not to do. But, of course, before such a violation

of the laws of the Church as the putting up of those notices could be taken any cognizance of, there must be some formal complaint made; and he had no doubt that if such a formal complaint were made the Bishop of the diocese would immediately inquire into the matter and do his best to prevent a repetition of the evil. As to the utterances attributed to his right rev. Brother who was absent, knowing that his right rev. Brother was able to defend himself, and as, after all, the utterances in question were recorded in newspaper reports of the accuracy of which they could not be absolutely certain, he need not enter on that matter. However, the question to which the noble Lord had alluded was a very difficult and delicate one. As long as there were persons who were weak enough to think they would receive benefit from placing themselves more than the Church required or enjoined under the guidance and direction of a clergyman, whatever his sentiments might be, it was not unnatural that some mischief should arise to those who so acted. No doubt in this country a great number of Roman Catholics works which did not bear on the face of them any distinctive characteristics of that faith were circulated from house to house, and fell into the hands of young persons who were incapable of distinguishing the parts that were sound and those parts which were distinctly Roman Catholic in their teaching, and upon them they frequently had a mischievous effect. He was certain that if the noble Lord could so influence public opinion in this matter as to prevent booksellers from selling such works, and young persons from buying them, he would do much good by preventing literature of this kind, which had a deleterious effect, not only upon the faith but upon the manly character of those who put themselves under its guidance, from being circulated.

THE BISHOP OF LONDON (who was very little audible) said, that in the case referred to by the noble Lord, which occurred in 1874, he had written to the clergyman informing him of the charge that had been brought against him and calling on him to explain his conduct. He received in reply a letter from that clergyman admitting that he had misinterpreted the teaching of the Church of England on the subject, and promising obedience to his spiritual ruler. Since

that time he had heard nothing more of that clergyman teaching the doctrine of confession; nor was he aware that the practice prevailed to any extent, until he was informed by some clergymen that young persons had stated to them that they had been confessed by a certain curate; but that they had been warned against doing so in future. So far as he himself was concerned he had never concealed his opinion, and he had in his Charges entered into the whole subject, and he had endeavoured to impress upon his clergy the observance of the doctrine of the Church of England. He did not think that cases of this kind, when they occurred, could be usefully dealt with in public—the best way of counteracting the evil was by fatherly advice and a prudent forbearance. Such offences could only be proceeded against in the Ecclesiastical Courts on charges of teaching false doctrines, and he thought few things were more inexpedient than prosecution for false doctrine. No doubt, the Bishops could interfere in a summary way with curates who offended in this respect by revoking their licences; but if the incumbents themselves pursued an objectionable course and could not be interfered with except by judicial procedure, he could not with justice take away the licence of the curate who did the incumbent's bidding—that was to say, if the Bishop was unable to suspend an incumbent it was not right to suspend his curate by summary process. These things must be cured by patience.

*Motion agreed to.*

#### FIJI.—ADDRESS FOR PAPERS.

VISCOUNT CANTERBURY asked the Secretary of State for the Colonies, Why the "Correspondence respecting the colony of Fiji," presented by command on the 6th August, 1875, and the "Further Correspondence respecting the colony of Fiji" (in continuation of the above-mentioned correspondence), presented by command on the 17th February, 1876, had not been distributed, and complained that the Rules and Orders of Parliament had not been pursued, inasmuch as certain Returns had been made to Parliament in blank, and that consequently Parliament was ignorant of what had taken place in regard to the colony of Fiji. In fact, since the 20th October, 1874, the date of Sir Hercules

Robinson's despatch, they had not had a scrap of information respecting that important colony. Three papers, and three alone, had been laid on the Table of the House. The first was the letter of instructions sent out by the Earl of Kimberley to certain Commissioners to report to him as to the best mode of dealing with Fiji, and that was dated 1873. The next was the Report of those Commissioners, and that was dated in April, 1874; and the last Paper was the Correspondence which had been transmitted by Sir Hercules Robinson to the Secretary of State in regard to the provisional arrangements which had been made for the administration of the government of the colony. When the Islands were first annexed it was asserted that the new colony would be self-supporting. His noble Friend below him (the Earl of Kimberley), when he held the Seals of the Colonial Office, distinctly refused, on behalf of the Imperial Government, to sanction any arrangement which would entail any liability on the Imperial Exchequer. But by the last information from Sir Hercules Robinson the revenue was barely sufficient to meet his own expenses. The noble Lord opposite had informed the House that the Governments of New Zealand and other Australasian colonies were willing to contribute a portion of the expenditure. But upon that question, as well as on all others connected with the financial and social condition and prospects of the Fiji Islands, their Lordships had no information whatever.

*Moved* That an humble Address be presented to Her Majesty for, Copies or extracts of any other correspondence or documents explaining the present condition of the colony of Fiji.—*(The Viscount Canterbury.)*

THE EARL OF CARNARVON regretted the delay which had occurred in the furnishing of the Papers referred to by the noble Viscount. It had arisen from unusual pressure on the Colonial Department all through the Session. The document would, however, be in the hands of their Lordships in the course of a few days. The noble Viscount had gone on to raise several questions of great importance, but of which he had given him (the Earl of Carnarvon) no Notice—had he done so he should have been able to give him fuller explanations than he had it at the moment in his

power to furnish. On one point, however, he might remark that, without some assistance from the Imperial Treasury, it would have been impossible to form an effective administration in the newly-annexed colony, and he was therefore of opinion that the loan of £100,000 was one of the most economical transactions that could have been entered into. As to the disturbances which had recently occurred in the colony, he was happy to say that in a communication he had received a few days ago, Sir Arthur Gordon, the new Governor, stated that the disturbances were entirely at an end, that they had never assumed the appearance of a war, that perfect tranquillity prevailed throughout the Islands and that life and property were secure. Their Lordships would agree, he thought, that that was a great result to secure in the course of a few months. The great difficulty of the colony was, of course, finance. The original method of raising revenue in the islands was by means of a poll-tax. This was a very objectionable tax, and had given rise to much discontent. It was now abolished, and Sir Arthur Gordon was having recourse to other less objectionable means, and the Government was proceeding in a most tranquil and satisfactory manner. He would, in conclusion, simply observe that all that had occurred in the colony during the last 12 months went, on the whole, to confirm the impression which he had originally formed. There were great difficulties to be encountered, but these difficulties were, he was happy to think, in a fair way of being surmounted, owing very much to the energy and judicious management of Sir Arthur Gordon, in whose administration, if there was one thing which more than another gave him confidence, it was the belief that he was determined, to the best of his ability, to hold the balance fairly between the White and the native population. Good government had, he might add, been established in the Colony, a satisfactory station had been secured there for our ships, and it was, he hoped, in fair process of gradual development. He thanked the noble Earl for giving him the opportunity of stating these facts, though he still thought they had a right to complain of unnecessary delay.

THE EARL OF KIMBERLEY agreed with his noble Friend that the pressure

on the Colonial Office had been so great as to cause delay in the production of these Papers. But one reason why they should be produced, with the least possible delay, was that it was impossible to give notice of the line of observation which any noble Lord might deem it his duty to adopt in their absence. As to the outbreak which had occurred, no adequate information had, up to the present moment, been furnished; and very frequently, as in the case of New Zealand, war had resulted from quarrels arising out of the land question. But there was another reason, and a serious one, why they ought to have complete information upon this matter. Owing to his want of information he might fall into errors, but it appeared that a loan of £100,000 had been guaranteed upon the credit of the Imperial Government. He did not remember any Bill passing Parliament guaranteeing such a loan.

THE EARL OF CARNARVON said, this only showed the inconvenience of being obliged to speak on a subject without having all the information necessary to render their statements quite accurate. The "loan" to which the noble Earl referred was a Vote taken in the House of Commons last year for £100,000, of which £40,000 was spent last year, and it was intended to spend the £100,000 over three years. By the rules respecting grants of money this Vote did not come specially before their Lordships—but this was an Imperial, not a colonial matter.

THE EARL OF KIMBERLEY said, he was obliged for the information. The noble Earl was much better informed than he could be; but a Vote having been granted last year it was necessary to have information this year as to the manner in which the money had been expended, and whether a further Vote would have to be taken. One of the matters which he had at the time felt most anxious about was whether the Imperial Government would be committed to increased expenditure in the colonies by annexing these Islands. There was, he knew, such an intense desire to spend money anywhere and anyhow that it might be considered by the public as rather a handsome thing that they were establishing a colony in spending this money; but that did not exempt them from holding that the expenditure should be scrutinized.

One of the advantages, it was represented, that they were to gain from annexing these Islands was that they would stop a traffic which would become little better than a slave trade. On that point they were entitled to have information. They must not only consider Fiji, but the whole of the archipelago; and when they took Fiji they not merely undertook to deal with those Islands, but the islands surrounding Fiji; and he thought they had a right to complain that Parliament had not full and complete information on the whole subject.

THE EARL OF DERBY said, it was quite natural that the noble Earl should ask for information respecting Fiji, and he conveyed the idea that there was a strong wish for that information, but that was so, neither in that nor in the other House of Parliament had there been any indications of a particular anxiety on the subject. He did not recollect a single Question there or elsewhere about it, and that did not mean if there was such a lively interest in the matter as the noble Earl seemed to imagine. At any rate, the noble Friend the Secretary of the Colonies, showed that he was ready to give information as the noble Earl was desirous of obtaining it. With regard to the publication of the Papers the delay had arisen partly from the pressure of other business, and, no doubt, from oversight, which would have occurred if so much interest was felt in the topic as the noble Earl had thought fit to assume. As to the Vote of £100,000, that was decided in the proper place, the House of Parliament, and the Vote required the sanction of Parliament in the proper manner; there was, therefore, no doubt that the noble Earl did not mean to move a Bill, since none had been introduced. The noble Earl had not, it was to be seen, laid any stress upon the duty of the Government to establish a colony of Fiji self-supporting. No body knew the circumstances under which they took over Fiji; they had a particular desire to take it, because of a large White population there, British, which they had to protect. There was every reason to fear that disorder might occur, and that a civil war, between the natives and these, were some of the reasons which led to the step taken. It was not

cussed; it came before the public in every possible form, and, notwithstanding the reluctance to take any step increasing the public expenditure, the course adopted was generally approved. As to the expenses, those who took an interest in colonial affairs, and who remembered the history of New Zealand and of South Africa would agree readily with him that no colony, of the value and extent of what he hoped Fiji would prove to be, had ever been acquired at so small an outlay of capital in the first instance. He believed that the Papers which were about to be presented would give a fair and accurate history of the progress of the colony during the last 12 months. It was fair for Parliament to ask for information, and he did not suppose there existed any reason for opposing the granting of information: but no proposal had been made here or "elsewhere," and it was rather unreasonable to complain of the Government not having complied with a wish which, so far as they knew, had never been expressed. If it was intended to raise a discussion upon the administration of the colonies in general it would be more convenient that the Notice should be put in such a form as to convey some idea that it was intended to take such a discussion. When Correspondence was moved for with the intention of raising a debate, it was usual to give an intimation to that effect; and under the circumstances he did not think the noble Lord could fairly expect the subject to be fully discussed.

VISCOUNT CARDWELL said, that it was only natural, in the absence of other information, that his noble Friend should have referred to the speech of the noble Earl the Secretary of State for the Colonies. There were many and great reasons why the annexation of Fiji should take place, and the question should not be left as it were floating about in uncertainty. Among other questions there were those of slavery and the Coolie traffic, which it was desirable to settle. He assured the noble Earl that neither he nor his noble Friend formerly at the head of the colonial Office had any objection to make to the policy of annexing these lands, but what they wanted to know as the actual state of the case. They were not desirous of acting with parsi-

mony, or to complain that a few thousand pounds voted by the House of Commons had been spent on the colony for the purpose of doing what was necessary.

THE EARL OF CARNARVON suggested to the noble Viscount, whether, as the Papers would be shortly produced, he would not withdraw his Motion.

VISCOUNT CANTERBURY said, he would accede to the noble Earl's suggestion.

Motion (by leave of the House) withdrawn.

#### NOTICES TO QUIT (IRELAND) BILL.

(The Lord O'Hagan.)

[NO 165.] SECOND READING.

Order of the Day for the Second Reading, read.

LORD O'HAGAN, in moving that the Bill be now read the second time, said, the measure had passed the Commons without discussion or division. The object of the 1st clause was to extend to Ireland the provisions of the Agricultural Holdings Act which was passed for England last year, extending notices to quit a tenancy from year to year from six months to twelve months. The principle had been admitted by their Lordships, and he therefore supposed there would be no controversy with regard to that point. The rest of the Bill he believed was the result of representations made on the part of the proprietors rather than the tenants. The 2nd clause provided that no notice to quit other than what was now required by law should be necessary in the case of a tenancy at will. The 3rd clause enabled a landlord who wanted a particular portion of land for certain specified purposes to give notice to the tenant as to that particular portion, and did not require notice as to the whole; and reciprocally the tenant was enabled, on receipt of notice as to a part, to give notice that he accepted it as applicable to the whole holding. It might possibly happen in certain cases that the landlord might take such portions as to render the rest useless, or greatly deteriorate it, and the clause provided against that possible mischief to the tenant. The 4th clause was one of considerable importance, and he should be very sorry if anything occurred to prevent its being passed. Everybody who was acquainted with the relations of landlord and tenant

in Ireland knew that if a tenant died intestate, and no administration was out, recovery of the land by the landlord was attended with great difficulty, because there was no machinery for serving a notice in the absence of a tenant. This clause proposed that it should be sufficient service if a notice was addressed

"to the representative, and all persons claiming to represent the deceased, and left at his last place of dwelling, or posted in some conspicuous part of the holding, and sending another copy addressed to the townland in which the holding is situate."

This Bill would settle the law equally for the benefit of landlord and tenant in this and other respects, and he hoped their Lordships would give it a second reading.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Lord O'Hagan*.)

LORD INCHQUIN generally approved of the Bill, thinking it was highly important to settle the question of the determination of a tenancy in Ireland. He pointed out at the same time that if the Bill passed in its present form it would not quite assimilate the law with that of England; because it enacted a fixed time for the determination of the tenancy—namely, at the end of the year. He also thought that some further safeguard should be put into the Bill for the protection of the landlord. It was a very serious question the advisability of interfering with landlords in Ireland.

LORD LIFFORD said, that instead of having 15 months' notice, as tenants had at present, the Bill proposed to give them another six months. He thought the measure, on the whole, would have a most mischievous effect on Ireland, and he therefore begged to move that the Bill be read a second time on that day three months.

Amendment *moved*, to leave out ("now,") and to add at the end of the Motion ("this day three months.")—(*The Lord Lifford*.)

LORD WAVENEY said, that the Land Act of 1870 had upon the whole worked well in, and been of great service to, Ireland, and he should support this Bill because it filled up some blanks which were left in that Act. It would, however, be quite impossible to make

*Lord O'Hagan*

the systems of tenure of land in Ireland like those which were in existence in England.

THE LORD CHANCELLOR said, this was a Bill the principle of which, so far as the second reading was concerned, was to assimilate the law of England and Ireland with regard to notices to quit. Many of the points of the Bill would obviously be the subject of discussion, and he was far from saying that it would not need alteration in Committee. But no Notice had been given of its rejection, and it was unusual to offer opposition without Notice to a Bill which had passed through the other House of Parliament without discussion. Under these circumstances, he hoped their Lordships would not assent to its rejection.

LORD CARLINGFORD said, he did not believe in those dangers which some noble Lords thought would happen to Ireland if this Bill were passed into law; but whatever these supposed dangers were, the Bill could be amended in Committee if necessary.

On Question, That ("now") stand part of the Motion? *Resolved* in the affirmative; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Tuesday next.

House adjourned at half-past Eight  
o'clock, to Monday next,  
Eleven o'clock.

## HOUSE OF COMMONS,

Friday, 21st July, 1876.

MINUTES.]—NEW MEMBER SWORN—Francis O'Beirne, esquire, for the County of Leitrim.  
PUBLIC BILLS—*First Reading*—Local Government Board's Provisional Orders Confirmation (Bath, &c.) \* [264].

*Second Reading*—Bishopric of Truro [185]; Legal Practitioners \* [43] [House counted out].

*Committee*—Elementary Education [155]—*L.R. Committee*—*Report*—Ardglass Harbour (*n. comm.*) [200]; Erne Lough and River (*n. comm.*) [187]; Elementary Education Provisional Order Confirmation (Cardiff) \* [243]; Metropolitan Board of Works (Loans) \* [251].

*Third Reading*—Exhausted Pariah Lands \* [252]; Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation \* [241], and *passed*.

The House being met at Two of the clock, the Clerk at the Table informed the House of the unavoidable absence of Mr. Speaker, on account of indisposition:—Whereupon Mr. Raikes, the Chairman of the Committee of Ways and Means, proceeded to the Table as Deputy Speaker, and after Prayers counted the House, and, Forty Members being present, took the Chair, pursuant to the Standing Order.

## UNITED STATES—THE INDIAN WAR.

## QUESTION.

SIR EDWARD WATKIN asked the Under Secretary of State for the Colonies, If Her Majesty's Government can render any information with regard to the conflict waged between the United States Government and the Sioux tribe of Indians, many of which tribe are subjects of Her Majesty; whether the origin of the conflict has not been a breach of Treaty as regards reserves of land and subsidies, which may probably provoke widespread antagonism between the Indian and white races both in the United States and British territory; and, whether Her Majesty's Government propose to offer any good offices in the interests of the Indian subjects of Her Majesty and of humanity?

MR. J. LOWTHER, in reply, said, that no information had so far been received by Her Majesty's Government respecting this conflict; he was equally unable to give any information as to what the possible consequences might be; nor had any information yet been received which tended to show that any subjects of Her Majesty forming part of the tribe in question were connected with the conflict. As at present advised, there was no intention on the part of Her Majesty's Government in any way to interfere in the matter.

## TURKEY—ALLEGED ATROCITIES IN BULGARIA.—QUESTION.

MR. BAXTER asked the Under Secretary of State for Foreign Affairs, If the Secretary to the British Embassy at Constantinople has been sent to Bulgaria, and what is the object of his mission?

MR. BOURKE, in reply, said, that on the 17th of the month Sir Henry Elliot was directed to send a member of his Embassy to assist Vice Consul Dupuis in inquiring into the alleged atrocities in Bulgaria, and Her Majesty's Government had heard that Mr. Baring, one of the Secretaries, had been sent upon the mission.

## EGYPT—COURT OF SUMMARY JUSTICE.

## QUESTION.

MR. RALLI asked the Under Secretary of State for Foreign Affairs, Whether the statement which appeared in the newspapers on Thursday evening is true—namely—

“That, the Egyptian Government refusing to permit the execution of the judgment pronounced against them, Mr. Hachmann, the President of the Court of Summary Justice, declared in open court this morning that he would refuse to accept any actions whatever, and that he now closes the court.”

MR. BOURKE: The Government, Sir, has received no official information on the subject whatever.

## ARMY MOBILIZATION—THE SECOND ARMY CORPS—THE IRISH MILITIA.

## QUESTION.

MR. J. C. BROWN: I beg to ask the right hon. Gentleman the Secretary of State for War, in pursuance of private Notice, Whether he will state to the House what has been the conduct of the North Cork, the South Cork, and Galway Regiments of Militia, now in camp at Aldershot, and respecting which some disparaging statements have appeared in *The Times* newspaper?

MR. GATHORNE HARDY: I am much obliged to the hon. Member for asking a Question upon the subject, as it happens that a good deal has been said about it, and a great amount of misconception has arisen respecting the conduct of the Militia regiments. If the House will allow me, I will read a letter addressed to the Inspector General of Reserve Forces by the general officer in command. In consequence of the statement which appeared in *The Times*, a telegram was sent to this officer, and I will now read his reply—



"Camp, Aldershot, July 20, 1876.

"Dear Wolseley—Your telegram just received. I have read the article in *The Times* to which you refer, and am very glad to have the opportunity of refuting the charge of misbehaviour and riotous conduct against the Irish Brigade while encamped at Horsham. It is a fact that I telegraphed to the General Officer commanding the 3rd Division, 2nd Corps, at or near Dorking, and that in that message I suggested that the troops of Hussars which were billeted in Horsham, on the march from Hampton Court to Brighton, should be retained for a day or two as a measure of precaution under the following circumstances:—On Friday, the 14th, the Galway Regiment of Militia arrived at my camp. On the 15th, Saturday, the North and South Cork Regiments arrived. I issued orders that the rule laid down in Her Majesty's Regulations, relating to soldiers not being permitted to go beyond one mile from camp would be in force, and that the town of Horsham was 'out of bounds.' It is very doubtful if these orders were thoroughly made known to the men of the several regiments. Small pickets were sent out to patrol the roads in the vicinity of the Camp at 'Retreat' (sunset). One of these pickets on the direct road to Horsham attempted to turn back a party of Militiamen bent on going into the town; and when their numbers became considerable, they or a portion of them passed through the picket, and a mounted policeman (military) came at once to camp and reported the facts. Pickets of 50 men, under an officer, were sent at once under the field officer of the day, who reported to me on his return that although he found a considerable number of men in Horsham, they all returned to camp at once, without opposition on their part, and that nothing approaching riot or disturbance occurred during the night. Feeling assured that exaggerated reports would be spread abroad, I determined to telegraph to the General commanding the Division to that effect, and saying that 'nothing serious had occurred; but as I was aware that the fair was to be held in Horsham on the Tuesday and Wednesday following, it occurred to me to suggest that as a precaution the troop of Hussars might well remain for a day or two. The event has proved that precautions were entirely unnecessary, and I assert, with immense satisfaction, that no troops, not the highest disciplined Regulars, could have conducted themselves more admirably than the North Cork, South Cork, and Galway Regiments of Militia did during their period of encampment at Horsham and up to the present moment. The Brigade marched from Guildford this morning to this camp, after a rail journey, the whole to my entire satisfaction. I mention this circumstance in corroboration of my statement regarding the good order and good feeling that has prevailed. It is due to the able and excellent officers who commanded these regiments that I should make as full an explanation as possible of what has been so grossly misrepresented. Although I may hope that what appears here may remove any doubt regarding the good behaviour of the regiments of my brigade, and assist in correcting opinions formed or misrepresentations, anything I have said will be weak in compari-

*Mr. Gathorne Hardy*

son with a letter which I hope will reach Mr. Hardy in sufficient time from the Special Commissioners and magistrates of Horsham, Colonel Aldridge, of St. Leonard's Park, Mr. Dickens, and others, who intimated to me their intention of addressing the Secretary of State for War, out of simple justice to the officers and men who had passed many days in their midst without a single complaint against them from the country people or anybody else and without a single 'police case,' and moreover that this year's 'fair' was the quietest known for some years. I have entered at great length into this subject, not more so, I hope, than the subject demands. I have not time to copy this letter, otherwise it would afford me satisfaction to show my opinion to Colonel Aldworth, Colonel Sir Augustus Warren, and Major Daly, who have so successfully commanded their regiments, and whose powerful influence could alone produce such a result.

"Yours faithfully,

"JULIUS GLYN, Major-General."

I am quite sure that even the length and fulness of this statement will not make it at all the less satisfactory to the House, and that it will render it unnecessary for me to say more.

#### ELEMENTARY EDUCATION BILL

[BILL 155.]

(Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Ascheton Cross.)

COMMITTEE. [*Progress 20th July.*]

Bill considered in Committee.

(In the Committee.)

#### New Clause—

(Dissolution of School Board under certain circumstances).—

("Where application for the dissolution of a School Board is made to the Education Department by the like persons and in the like manner as an application for the formation of a School Board, under section twelve of 'The Elementary Education Act, 1870,' and the Education Department, are satisfied that no school and no site for a school is in the possession or under the control of the School Board, and that there is a sufficient amount of public school accommodation for the district of the School Board, the Education Department may, after such notice as they think sufficient, order the dissolution of the School Board.

"The Education Department by any such order shall make provision for the disposal of all money, furniture, books, documents, and property belonging to the School Board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the department necessary or proper for carrying into effect the dissolution of the board.

"The Education Department shall publish the order in manner directed by 'The Elementary Education Act, 1873,' with respect to the publication of notices, and after the date of such publication or any later date mentioned in the order, the order shall have effect as if it were enacted by Parliament, without prejudice nevertheless to the subsequent formation of a School Board in the same school district. All bye-laws previously made by the School Board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act")—(*Mr. Pell*),

*brought up*, and read the first time :—

Question put, "That the Clause be now read a second time."

MR. W. E. FORSTER said, the action of the Government last evening in accepting the clause had taken hon. Members by surprise, and made it necessary that it should be carefully examined. He should be glad of a little information as to the extent to which the clause would be immediately applicable and how many school boards there were which would be likely to come under its operation. The noble Lord the Vice President of the Council was under a misapprehension as to the number of school districts and school boards the clause would effect, because the immense majority of those school boards had got no schools, having not yet had time to provide them, and he expected it would turn out that a very large proportion of those 541 school board districts mentioned in the Return had been not voluntarily, but compulsorily formed.

VISCOUNT SANDON said, he did not think the question of the number, whether it was 530 or 540, was at all of the importance which his right hon. Friend attached to it. The Department had no means of knowing the number of those districts which had or had not schools at present. A large number had been compulsorily formed. As he understood the clause, its meaning was that school boards could be dissolved only where they had no school and no site for a school, and where the Department was satisfied there was sufficient school accommodation. It was not a question of number, but an act of simple justice to put the whole of the country in the same position and to give it the option of saying whether the law for securing that all the children of the country received proper instruction at

school or elsewhere should be carried out by means of school boards or by the new authorities to be established under the Bill. He demurred entirely to its being considered that the question of the numbers of boards to be affected by the Amendment affected its desirability.

MR. W. E. FORSTER said, he very much doubted whether there were 40 school boards in the position described.

VISCOUNT SANDON said, he did not assent to that number.

MR. W. E. FORSTER was rather surprised that the Education Department had not for their own satisfaction obtained some reliable information as to the number of school boards that would be affected. If there were only a small number of school boards that would be affected by the clause it was a great change to make for the attainment of a very small purpose. The great object of the Act of 1870 was to provide sufficient school accommodation in every school district. With that object an inquiry was made throughout the kingdom, and where there was a deficient school accommodation it was the duty of the Department to issue orders for the compulsory formation of school boards. The noble Lord had stated that up to the 1st of June, 1876, 870 compulsory Orders for school boards had been issued; many more would in all probability be required—probably double that number—and in almost all these cases there had been opposition in the district to the compulsory formation of school boards. The noble Lord proposed that the school boards should be dissolved in every district where they had not done their work well. School boards were sometimes remiss; and if they were not remiss, it might happen that in certain districts influences would be set to work, and temptations would always be held out to those who disliked school boards to get up cases for inquiry year by year in order eventually to get rid of the school boards altogether. But it was the desire of the House even now—certainly it was the strong desire of 1870—where there was not sufficient school accommodation, that the district should be made to provide it, and he warned the noble Lord that he had no idea of the immense trouble he would be bringing on his Department by the passing of the Amend-

ment. In many localities parties had been forced to establish school boards against their will, and those parties would be very glad of any opportunity by which they could have a chance of getting rid of them. It was not to the credit of the school boards that they should be reluctant to do their work. It should be further remembered that if they got rid of the school boards and further school accommodation was hereafter required, it would take three or four years before it could be accomplished. He wanted the Committee to understand that if the clause passed, a bonus would be held out to every one who disliked to have a school board in his district, to be constantly getting up fresh agitation against having a school board. This clause would apply in the enormous majority of cases to those who had been forced to have a school board, and who, in the opinion of both sides of the House, ought to have been so forced, and there would be immense administrative inconvenience in re-opening the question of school supply. He did hope that even yet the clause would not be allowed to pass.

MR. FORSYTH said, he could not understand why so much warmth had been evoked on the other side by the Amendment of his hon. Friend the Member for South Leicestershire (Mr. Pell). So far from the Amendment being unfavourable to the cause of education, it would, he believed, afford an immense stimulus to it. He denied altogether the idea of any insidious attack on school boards. He believed that hon. Members on his side of the House were as much disposed to advance the cause of education as hon. Members opposite, and he said with all sincerity that he had never expressed a word of hostility to school boards where they were wanted and where they were working efficiently; but when they were proved to be useless and opposed to the preponderating voice of the ratepayers, they ought not to be continued. That was all that was required, all the Amendment proposed, and he denied that in asking for it they were open to the charge of being re-actionary. On the contrary, it was strictly following up the leading principle of the Act of 1870, which recognized the opinion of the majority of the ratepayers with reference to the establishment of school boards where they were not wanted. If there was sufficient

school accommodation what reason was there for continuing school boards, because at any time when there was a deficiency the powers of the Act of 1870 applied, and the Education Department could force the district to establish a school board. What possible functions could a school board have to discharge without board schools and with sufficient school accommodation for the district? He should support the Amendment.

MR. KNATCHBULL - HUGESSEN said, he wished to explain the reference which, he understood, had been made by the noble Lord the Vice President of the Council to a school on his (Mr. Knatchbull-Hugessen's) property where it was stated that the school board had been discontinued. He certainly could scarcely recognize the case from the manner in which it was described. What occurred was this—In the parish in which he resided, the greater part of which belonged to himself, a school was built and carried on upon the principles of the Church of England. There were two or three other considerable ratepayers in the parish not connected with his estate who declined to contribute any more to the National School. It was, therefore, proposed to have a school board, so that all might be rated alike. A school board was established, and matters went on; four Churchmen and one Nonconformist minister were elected. The Nonconformist minister, he feared, had not perfect confidence in the incumbent belonging to the Church of England, and the incumbent did not appear to have been altogether pleased with the conduct of the Nonconformist minister. Expenses were also much increased, and it was therefore unanimously agreed that the school board should be discontinued, and the school was re-transferred to the old managers, there being a clause in the original transfer to the school board which enabled them to do so. There was a British School within a quarter of a mile, so that everybody was satisfied. The difficulty then arose that the school board could not be abolished, and his noble Friend got rid of that difficulty; the members of the school board became in default for non-attendance; the Education Department appointed the new school board, who were the same persons as the old managers; and now, whilst they carried on the schools in the latter capacity, they remained a dormant school

board, without expense, able to frame compulsory bye-laws if they should deem fit. Therefore, by the kind action of his noble Friend, they had everything which this clause would give them. It was a very difficult thing to carry on two educational systems side by side, but the House must remember how this had arisen. We found in 1870 a number of voluntary schools existing which had been doing the educational work which the State had not undertaken. It would have been unfair to sweep them away, and therefore board schools were only established where efficient voluntary schools did not exist. But it was a very different thing to give facilities and encouragement to those who wished to abolish board schools now that the latter had been deliberately established by Parliament. He feared that this—which would be done by the clause—would create strife and discord throughout the country, whereas the action of the Education Department, in the few cases which might arise similar to that of Smeeth, would give all that was wanted without any such danger.

VISCOUNT SANDON pointed out that the right hon. Gentleman's (Mr. Knatchbull-Hugessen's) illustration rather confirmed the policy of the Amendment, and expressed his obligations to him for having given it to the Committee. The House wanted this new compulsion to be carried into effect effectually. His right hon. Friend's little board, which he must remind him, he (Mr. Knatchbull-Hugessen) had himself asked him shortly after he took office, to abolish, had had all the powers possessed by school boards in general of carrying compulsion into effect, but as they had not thought proper to make any bye-laws, it was an argument in favour of the scheme now proposed. The Smeeth School Board had for a long time done nothing, it had transferred its school back to the Voluntary Managers—all its members had been declared in default because they had not attended the requisite number of times. It had not passed bye-laws to provide for the regular attendance of children at school, and it was considered so useless, and had so little support in the locality, that his right hon. Friend, the leading person in that locality, had requested him to abolish it. Surely, this board, and those similar to it, were not the au-

thorities to whom it would be wise to entrust the working of the new proposed Educational Law. He must consider the question from the point of view of the Government Bill. He wanted the Bill to work well, and under boards in the position of Smeeth he could not think that that object would be attained, and he must totally object to the treatment which the Department had been obliged to adopt to Smeeth—namely, to nominate a school board—owing to the Act of 1870 having made no provision for such cases—being considered to be at all a course which it was desirable to pursue.

MR. W. E. FORSTER said, that was not the fair conclusion to be drawn from the words of his right hon. Friend (Mr. Knatchbull-Hugessen), and he warned the Committee against giving its sanction to a system which would prove costly and injurious in practice, and which would go far to destroy the good results they had already obtained. He feared that if the noble Lord had trouble now, he would have exactly the same difficulty under the Bill. One of the arguments of the noble Lord was, that they would get rid of a constant cost, and also the inconvenience to the Department. But if the noble Lord would adopt the recommendation that had been made, there would be absolutely no inconvenience to the Department when the election took place. When an election was appointed it would take place, and the only trouble to the Department would be simply that of sending down an answer to the letter they would receive.

LORD ROBERT MONTAGU denied that the clause would attack one of these schools, because the Education Department would have to satisfy itself. It was said that this clause would cause an agitation throughout the country; but was not that the first object of the right hon. Gentleman in proposing the establishment of school boards in 1870? The clause, however, would not apply to school boards which had built schools, or to which schools had been transferred. The second object in establishing school boards was compulsion, but it was now admitted that school boards were not wanted to carry compulsion into effect. The country had too much of compulsion under the Bill. He supported the clause because he was for the liberty of the

people and local self-government, and he demanded that no Old Man of the Sea should be placed round the neck of the ratepayers in the shape of a school board. The noble Lord now proposed to cut the school boards in half. The right hon. Gentleman (Mr. W. E. Forster), in raising his voice against the proposal, reminded him of the judgment of Solomon, because he said, "Do not cut the child in two," and thereby proved that it was his own child. This clause should be supported by those who were favourable to the liberty of the people; and he called upon the Liberal Party in that House to be in favour of liberty, and to knock an odious yoke off the necks of the ratepaying community. If a locality wished to get rid of a school board, they would do so if they were unanimous, and they might attain the object by transferring the school to a denominational body.

MR. ERNEST NOEL said, it was remarkable that one line of argument had run all through the present discussion—namely, that the ratepayers had a right to decide for themselves whether they should have a school board or not; but that argument had not been carried to its proper issues. If it was the right of the majority of ratepayers in every place to decide that point, what was to become of the right of ratepayers in those districts where school boards existed, and where owing to board schools having been built, the boards must continue in spite of the majority against them? He regretted that the noble Lord at the head of the Education Department had not come down to the House after the night's reflection, and announced his intention of withdrawing the clause. If this proposal, which had correctly been described as a stab in the dark at school boards, became law, from that moment wherever a school board was unpopular with the minority, all the discontented would set to work to turn the minority into a majority for the purpose of getting rid of the objectionable school board. The effect upon the boards themselves would be most discouraging, because they had already a mass of prejudice to encounter, and their opponents would now say—"We will get rid of you before long."

MR. A. MILLS intended to give his vote in favour of the clause, but trusted his doing so would not be interpreted as

a censure on his part of school boards generally. He denied that the clause was re-actionary. Progress had been made in public opinion since 1870 with respect to the working of school boards, and there was now a strong feeling that localities should exercise their own judgment as to the most suitable and efficient educational machinery. He believed the clause would greatly improve the present school boards, and he repudiated the notion that it could in any degree be regarded as a censure on those institutions. The question was simply whether ratepayers might not disencumber themselves of school boards which, having been in existence for five years, had created to themselves no schools, and had done no act in fulfilment of the purpose for which they were intended.

MR. HERSCHELL said, that the noble Lord the Vice President of the Council had said that the Amendment was a very simple one, and that it was one which had been pressed with great force upon the Education Department. If that were so, and if the clause were likely to prove of such benefit and advantage as the noble Lord predicted, why had it not formed part of the framework of the Government Bill, rather than have been first brought under the notice of the House as an Amendment of a private Member. He opposed the clause on the ground that it would prove injurious to the cause of education. A school board, if it did its duty, was sure to make enemies, and in the event of the clause being carried the result would be to keep a sword constantly hanging over the heads of school boards, which would paralyze their action and prevent them from working with their usual efficiency, from the fear of raising up enemies among those who wished to see them abolished. Many hon. Members opposite were supporting the clause on account of the religious difficulty, but he wished to point out to them that that difficulty would not be got rid of, but increased, if the control of education were transferred to the Town Councils, which were not elected, like school boards, by the cumulative vote, and in which, therefore, those religious bodies which were in a minority would probably not be represented at all.

LORD FRANCIS HERVEY said, the religious difficulty was not raised by the clause, because it only applied to school

boards which had no schools, and consequently the remarks just made by the hon. and learned Gentleman opposite (Mr. Herschell) were altogether irrelevant. He had been surprised to hear so much wild and incoherent talk from the other side on the previous night as to the clause being dangerous and re-actionary. The amount of temper then displayed could only be excused by the lateness of the hour. He considered that the clause did not touch the principle of the Act of 1870 in the smallest degree. This clause did not affect the educational functions of school boards, because those which it affected had no educational functions, but merely functions of police. The right hon. Gentleman the Member for Birmingham had charged hon. Gentlemen on that (the Ministerial) side with stimulating hostility to school boards by the course they were now pursuing. But what had the right hon. Gentleman been doing all his life but stimulating hostility to something or other? The right hon. Gentleman had said that the unpopularity of school boards was greatly exaggerated; but if he wanted to understand the feeling with which these school boards were regarded, he had only to turn to the Reports of the Inspectors. There was a catena of evidence in those Reports as to the odium which attached to school boards. Thus they were described in different passages as being "viewed with widespread dislike;" as "held in extreme dislike;" as "dreaded;" as "neglecting their opportunities;" as "doing worse than nothing;" as "injuring other schools by taking less fees;" as "soon sinking into inefficiency;" as "becoming careless in their work;" and as "soon dwindling into perfunctoriness;" and being the subject of a "general feeling of aversion as a terrible infliction." There were many other expressions to the same effect. If the right hon. Gentleman would read the Blue Books on this subject, he would not again state that unpopularity of these school boards had been exaggerated. The fact was, that there was no institution in the country which was so unpopular, and he thought hon. Gentlemen opposite were giving themselves a great deal of unnecessary trouble in opposing such a gentle, mild, and salutary clause as that which had been proposed by the hon. Member for South Leicestershire.

LORD EDMOND FITZMAURICE said, his right hon. Friend the Member for Bradford (Mr. Forster) had just been accused of introducing into the country an element of confusion and perturbation by the establishment of school boards. A certain amount of confusion and perturbation, however, was the necessary consequence of representative government, though the object of Parliament should be to reduce that inconvenience to a minimum. His hon. Friend had endeavoured to do that by proposing that school boards should be liable to be dissolved, which, however, would only add to whatever excitement and confusion now existed. The effect of the Amendment would further be to throw back that steady progress in educational matters which ever since the Act of 1870 had been going on. He demurred to the argument that because some of those school boards had as yet done nothing they would not in the future have anything to do. The fact was that many of those institutions struck at some of the most cherished prejudices of hon. Members opposite, for they provided undenominational education in the rural districts, and popular representation in the question of education, and that explained the cheers with which speeches declaring these boards to be unpopular were received. He urged that even if some school boards were doing nothing now, they might do something in a year or two. Municipal bodies were not liable to be dissolved at the request of the electors, nor could boroughs get rid of Parliamentary representation. Once they could, and there was a story at Newbury, that when Henry VIII. had been right royally entertained by the celebrated Jack of Newbury he asked what he would do for the town. To which Jack of Newbury replied—"Relieve us of the odious privilege of having to elect two Members to serve in your Parliament at Westminster." And the King granted the request. The noble Lord the Vice President would be recollected as the 19th Century Jack of Newbury. There was something to him very offensive in the way in which hon. Members opposite took religion under their patronage. Religion had existed before they were heard of, and would exist when they were forgotten; and to identify the Nonconformist party, the party of which an open Bible was the watchword, which

had laboured and suffered for its sake, with secularism, was as absurd as it was unjust.

MR. GREENE said, he could not understand what had raised all this opposition to the Amendment of his hon. Friend. He was as anxious for the reading of the Bible as the Nonconformists. What he complained of was, that the money of the State was paid to a board which had power to exclude the reading of the Bible, and he would endeavour as far as lay in his power to remove that blot from the Education Act. Power was given to continue school boards, but none to dissolve them; and if the country objected to a system of that kind, although it had been established by a large majority in the last Parliament, he considered that Parliament was bound to undo the most objectionable parts of that system. A great deal of fuss had been made about re-actionary measures; but there was no re-action in the case. It was merely the recognition of the right of the majority. When he sat in that House in 1870, he had many measures poured down his throat which were most distasteful to him. The Irish Church was disestablished, and a third of her land was taken from her; the Army was destroyed, not by Act of Parliament, but by an arbitrary exercise of the Royal Prerogative. For his part, if he had the power, he would undo the work which was then done.

MR. HAYTER resisted the clause, because it would enable Town Councils, by a majority of 1, to abolish school boards. In his opinion, the effect of the Amendment would be, by means of a side-wind, to get rid of the principle of the Act of 1870. His contention was, that if school boards were to be abolished, they ought to be abolished in a straightforward way, and not by such a hole-and-corner fashion as was proposed.

MR. STANLEY LEIGHTON, on the contrary, said, he did not oppose school boards generally, but he contended that, where a school board had lost the confidence of the local ratepayers, or had become useless and unnecessary, it ought not to be maintained. The people of a district were the best possible judges of whether a school board was or was not performing its functions properly and to the benefit of those who had established it. Should those people feel that it was useless to maintain a board,

it would clearly be wrong to force one upon them unwillingly. A board, like a crutch, ought to be thrown away when it could be dispensed with, and not saddled for ever on reluctant parishes which preferred to rely on voluntarism. All success achieved under the Act of 1870 had been gained by consulting the wishes and feelings of local populations, and now the Opposition said they were to be disregarded.

SIR WILLIAM HARCOURT contended that an extraordinary change had come both over the Bill itself since its first introduction, and the temper of the House in discussing its provisions. When it was introduced there was little reason to complain of it, for it was thought to be merely an amplification of the principles of the Act of 1870, and as such was gratefully accepted on that, his own, side of the House. But the acceptance of the Amendment under discussion by the Government had entirely altered the character of the Bill. At the eleventh hour the Government had changed their whole policy, and had hoisted the standard of re-action. ["No, no!"] Hon. Gentlemen might deny the assertion, but the hon. Member for Bury St. Edmund's (Mr. Greene), who was one of the honestest men in the House, had let the feline animal out of the bag. Judging from what that hon. Gentleman had said, he (Sir William Harcourt) would be inclined to say that there never had been such a flag, or rather oriflamme, raised as the one hoisted by the hon. Member for Bury St. Edmund's. He had told them quite frankly that he objected to the Act of 1870. He also told them that he objected to school boards altogether, and was prepared to destroy them and undo what he termed the mischief of the past Government. Well, that showed that the Government were only beginning their progress on the road of re-action. If the noble Lord approved of the Amendment, why had he not introduced it himself as a new clause, instead of accepting it at the hands of a private Member? The hon. Member for Bury St. Edmund's had been rather too outspoken. He had told them that a good many measures which he did not like, such as the Irish Church and Land Bills, he had been compelled to accept at the hands of a dominant majority, and that now the Tory Party in their turn had got a large majority

*Lord Edmond Fitzmaurice*

they intended to use it. Well, if the Conservatives were about to make a reactionary battle-cry of education, they must expect that their Bill would be received in a very different spirit from what it was at the commencement. The policy which the hon. Member for Bury St. Edmund's had announced was a very serious policy. If one Party as soon as it obtained a majority were to set itself to overturn the acts of its Predecessor, a Continental state of things would be infused into English politics which it was very desirable to avoid. By so doing they would embark on a policy of reversal and re-action, and enter upon a course of proceeding of which there was no telling where it would end. His hon. Friend was a young and hale man, and his life might be protracted until there was again a Liberal majority, but when that time did arrive did he think that the cause he had at heart would be benefited by the establishment of a principle that he had been contending for that evening? The principles he had laid down were carried out on the Continent; the consequence was that no political parties were ready to accept the principles of compromise. When they found the noble Lord declaring open war, and acting up to, if not declaring openly, the principles of the Amendment, when he was accepting alterations in his Bill which would overthrow the Act of 1870, they were entering upon a war at which two could play, of which the beginning was obvious, but of which no man could see the end—a war of which the battle-field was the education of the people. Did they think that because the Government might obtain a majority that evening that it would be accepted, or that, after their defeat, they would rest one single moment until they had restored the principles which the Government would have withdrawn, or that they would desist for a single moment to repel that injustice which was sought to be thrust upon them. What was the meaning of the Amendment? The denominational schools found themselves beaten day by day in open competition with school boards, and therefore their supporters cried out to strangle school boards. The noble Lord opposite (Viscount Sandon) was not strong enough to resist the cry from those behind him; but, of course, the matter had to be done decently, if possible, and the first step

was the Amendment of the previous day. The Government was too wise, too cautious, to propose open and avowed war on the school boards; but the party of re-action behind them wanted to bowstring the school boards at once, as was proposed in the Amendment of the hon. Member for South Leicestershire. It was because of the pressure from those who sat around the noble Lord that he had thought it necessary to depart from the policy which the Government originally undertook, and to consent in an evil hour to make this war upon the policy adopted in 1870. The noble Lord, in consenting to the Amendment, had given his sanction to an attempt to destroy board schools throughout the country, and he had thereby landed the discussion of the Bill in a spirit and temper altogether different from that in which it had hitherto been conducted. [Viscount SANDON: Hear, hear!] The noble Lord said "Hear, hear;" but did he think that the Government could introduce a Bill with an avowed object, and then change it, and not change the spirit in which that Bill was being discussed? They should be utterly unworthy of the position which they held as an Opposition if they did not enter a protest against not only the substance of that policy, but also the manner in which it had been conducted.

VISCOUNT SANDON thought it was high time they should take rather a cooler view of things. He had observed that his hon. and learned Friend always came forward when there was a forlorn hope to lead, to throw in the charm of his somewhat imaginative eloquence, heated and warm as it always was, to rally the troops that were beginning to fall away. He (Viscount Sandon) had had the misfortune of sitting there for seven days, during which time he had not had the pleasure of hearing his hon. and learned Friend's voice once upon the Bill, and that fact rather accounted for the extraordinary misapprehension which he had shown as to its whole scope. If his hon. and learned Friend had been present 36 hours ago he would have heard the high testimony borne to the Bill in its great and main features by hon. Gentlemen of the greatest experience in educational matters on his own (the Opposition) side of the House. He would not then have rashly condemned



the whole of the Government measure. For his own part, he (Viscount Sandon) was a little disappointed to find such warmth suddenly arise, because he had invited from hon. Members opposite that calm judgment on the Bill which was accorded to the measure of 1870; although it was notorious that it offended the feelings and opinions of many hon. Members belonging to the Conservative ranks who were then in Opposition. Up to that time, though the Bill had received the formal opposition of some hon. Members on two set occasions, and had passed the ordeal of two leading divisions on the Motions of the hon. Members for Sheffield and Merthyr, it had received very large support from the House generally, and, on the whole, a marvellous harmony had been maintained; but he supposed this state of things had been felt to be unnatural, and hon. Gentlemen opposite had said—"We must have a little excitement before the Bill passes." But it was really worth while to consider whether the clause was of such a portentous character as had been represented. The right hon. Gentleman the Member for Bradford had argued that only half-a-dozen schools could be affected by it, and though he (Viscount Sandon) did not give his assent to this view, still no one supposed the number of boards to be affected by it would be really large, and if the influence of the Amendment was thus allowed by his right hon. Friend (Mr. W. E. Forster) to be reduced to such a small point, surely an immense amount of indignation had been wasted. The assertions of the hon. and learned Member for Oxford showed that he had not attended much to the subject. He talked of the voluntary schools rapidly decreasing, and of the necessity of bolstering them up, when, as a matter of fact, they had largely increased. Then he said they were going to strangle board schools—[Sir WILLIAM HARCOURT: No, no!]; but he seemed to be unaware of the fact that the abolition of the reduction on the 17s. 6d. grant applied equally to board and to voluntary schools, and that it would relieve the rates in many places which were already complaining bitterly of their pressure under the school board system, and demanding that the State should, in accordance with the hopes held out by

the former Prime Minister (Mr. Gladstone), give a larger proportion of aid in consideration of its higher requirements from the schools. It would give a fresh life to board and voluntary schools alike, and set them free in the race to bring the children forward as much as possible, so as to earn to the schools as large a grant as they could under the Code without fear of the present discouraging deductions. In proof of what he said he must remind his hon. and learned Friend that the most important School Board in the country—the School Board of London—had specially urged the exemption as desirable for the promotion of education. His hon. and learned Friend also said the Amendment desired to make voluntary schools purely denominational.

Sir WILLIAM HARCOURT said that what he did say was that under the operation of the Amendment such would be the tendency.

VISCOUNT SANDON: Yes; that they should destroy the voluntary character of the schools, and make them purely and simply denominational. Was the hon. and learned Gentleman aware that a considerable number of the Nonconformist schools were supported by fees and by the Imperial grant only, and did he not call them voluntary schools? He was taunted with having accepted the Amendment from his own side without giving previous Notice that the Government intended to take that course; but he received no taunts when he accepted without Notice important Amendments from the noble Lord the Member for the West Riding, and from the hon. Member for Newark. He remembered that in 1870 very considerable Amendments were accepted by the Government of the day from their own supporters, which altered the character of that Bill more seriously than the present measure could be affected by this comparatively trifling alteration as to unnecessary school boards; and he must remind his hon. and learned Friend that when, on going into Committee, he announced various leading Amendments which the Government proposed to bring forward, principally in the early clauses of the Bill, he stated distinctly that the Government must be held quite free to introduce any other Amendments, as well as to accept any Amendments from either side, and the Committee would

remember that this particular statement was received with assenting cheers, specially from the Opposition benches, in a full House. The right hon. Member for Bradford, who spoke of the proposal as a great blow to school boards, seemed to forget that the Education Department, the moment a deficiency was proved, could and must, if the deficiency was not duly met, order a board to be formed just as much under the new system of this Bill as under the old system of the Act of 1870. And the districts which the Education Department forced to have school boards, just as much as every other part of the country, would be obliged to carry out fully the Act of 1870, as well as the provisions of this Bill, if it became law. He could not therefore see the bearing of the argument of the right hon. Gentleman. On the contrary, he thought it was quite possible that the Amendment would tend to promote rather than to discourage school boards, for this reason. At the present moment many localities would not dream of putting their heads in the noose of a school board, because they knew it was an indissoluble tie, whereas if it was felt that it was a mere temporary connection, it was not impossible that a great number of places would be willing to try the experiment. He was unable to discover any further arguments in the speech of his right hon. Friend, who, he hoped, would on further consideration be led to support the proposal on account of the strong educational advantages which he had mentioned. The hon. and learned Member for Durham (Mr. Herschell) was mistaken in supposing that the new authorities would have educational duties. As a proof that the Government felt no hostility to school boards, he must remind the Committee that they had strenuously resisted the proposals of the noble Lord the Member for Bury St. Edmund's (Lord Francis Hervey) and the hon. Member for Newcastle (Mr. Hamond), when they offered Amendments which would prevent a locality from having a school board, unless there was a deficiency of school accommodation, because their schemes were opposed to the principles of the Bill, which was perfect freedom to the country to adopt whichever scheme it liked best, whether that of a school board, or of using the existing autho-

rities as provided by this Bill. The course, he repeated, of the Government showed no hostility to school boards; but, when the proposal was once brought forward, it must be felt that it could not be resisted, as, if they considered the Bill, it certainly followed logically that the country should have perfect freedom to get rid of school boards where they were unnecessary. He was quite sure that the change would be held, on calmer consideration, by hon. Gentlemen opposite, to be a trifling one, entirely consistent with the spirit of the Bill. If he was asked again why the Government supported it, he had simply to say that when they looked at the Amendment they were unable to find any valid arguments which they could assert against it. He hoped, therefore, that the Committee, after that full discussion, would consent to put this matter to the test.

MR. JOHN BRIGHT said, the noble Lord had omitted to reply to some observations of the hon. Member for Bath (Mr. Hayter) with regard to the operation of the clause upon Town Councils, which was an important one.

VISCOUNT SANDON said, it was obvious that the same authority which had the power of asking for a school board must have the power of asking to get rid of it. In that respect the clause would follow the lines of the Act of 1870, and upon those lines the Government meant to take their stand.

MR. A. BROWN said, it was clear from the noble Lord's answer that Town Councils would be able by a bare majority to petition the School Department to dissolve school boards. Was the noble Lord prepared to abolish the school boards of Manchester, Stockport, and other places? ["No, no!"] Hon. Members said "No, no," but abolition was the logical conclusion of his hon. Friend's Amendment. That Amendment placed in the hands of municipalities a power which would be extremely dangerous. If a proposal were made to abolish Town Councils, or Boards of Guardians, or Highway Boards, it would be scouted by hon. Members on both sides of the House. What had been done by school boards having no schools? According to Returns laid upon the Table of the House, 510 of them, out of 541, had appointed attendance officers and visitors, and were enforcing the principle of

compulsion laid down by the Act of 1870. He therefore hoped that they would not be interfered with or disturbed in the good in which they were engaged, and that the noble Lord would pause before he accepted the Amendment. They were all grateful for the courtesy and kindness shown by the noble Lord when he introduced the Bill, but now he said that he would accept an Amendment which they must regard with extreme hostility.

SIR HENRY JACKSON remarked that hon. Members on his side did not seem to have even yet succeeded in making the noble Lord understand the ground upon which they so strongly objected to the Amendment. The noble Lord seemed to treat it as a mere matter of administrative detail, and called it a small affair, whereas the Opposition considered that a most important principle was involved. That principle was the continuation or the abolition of school boards. The noble Lord disclaimed all intention of attacking school boards, but he put it to the noble Lord, did he seriously think that the effect of the Bill would be to encourage them? On that side of the House they felt that the very opposite would be the result. The adoption of the clause would be a departure, not only from the principle of the Bill, but also a departure from the representations made to the House on the second reading. Did the noble Lord think that he would have had the majority that he did had it been known that there was to be a direct attack upon school boards? If the noble Lord did not actually provide for the extinction of school boards by the action of the Department, he at least provided the means of self-extinction known in Eastern countries as the "happy despatch." It was stated by hon. Gentlemen opposite that the clause would apply only to school boards which had no schools and no property, and the noble Lord asserted that he had much sympathy with school boards which had done their work well and were efficient. But was the division of school boards into those which were efficient and those which had property an exhaustive division? What about such school boards as those of Burnley and Stockport, which had no schools? He feared it was an attempt to reverse the policy of the Act of 1870. Gentlemen on that (the Opposition) side had not yet forgotten the metaphors used by the noble Lord in introducing his first

Endowed Schools Bill, when he spoke of leading on the forces of the Establishment against the entrenchments of the enemy, by which term he referred to Nonconformists. That language of the noble Lord had united as one man what was then a divided minority, and in that contest they were victorious all along the line. He would now tell the noble Lord that, by every constitutional means, they were determined to oppose the passing of the clause. He hoped that the Government would all remember the lesson of their Endowed Schools Bill. Possibly the Prime Minister might repent himself on this occasion and be induced to read the proposed Amendment. If he were to do so, and to find now as he did then that it was perfectly unintelligible, he would materially expedite the passing of the Bill. But the noble Lord had himself found that there was no necessity for the clause, and that all that it could effect might be done by resorting to the simplest legal fiction, so that surely he might persuade the hon. Member for South Leicestershire to allow this bone of contention to be taken away, by which means, he believed, that business would be greatly facilitated, and that a soreness would be removed from the minds of many which was quite incommensurate with any advantage which hon. Members opposite could expect to gain from the passing of the clause.

MR. ANDERSON said, the noble Lord (Viscount Sandon) had pointed out the contrast between the somewhat animated aspect of the debate at present and the happy calm which pervaded the House only 24 or 36 hours ago; but he must remind the noble Lord that, in the words of a very high authority, "a great deal had happened since then." Since then the Government had shown the cloven foot, for since then the Amendment of the hon. Member for South Leicestershire had been proposed and had been accepted by the Government; since then, to adopt the metaphor of the noble Lord, the Government expressed their willingness to scout the honourable and permanent matrimony of the school board and prefer a questionable temporary connection. He congratulated the noble Lord on the appositeness of his metaphor, but still more he must congratulate hon. Members opposite on the excellent speech of the hon. Member for

Bury St. Edmund's (Mr. Greene). There had been a frank honesty in the policy expressed in that speech which was quite refreshing, accustomed as they were to the reticence of Conservative Members generally, and it had therefore won those approving cheers from the Liberal Benches which seemed to delight the hon. Member. He (Mr. Anderson) had himself for a couple of years been doing his best in a humble way to show the country that the policy of the Conservative Party was always retrograde; that they were always ready to go backward when they could, and as far as they dared; but his utterances had been weak indeed compared with the bold avowal of the hon. Member. The House knew the honesty of the hon. Member, and that when he denounced all that the last Parliament had done and declared he wanted to undo it, that really was what the hon. Member and his Friends meant; and it was well that the country should know it, for he was very sure it was not for that purpose the country had sent a Conservative majority to occupy those Benches. He only wished to say a few words to the Committee regarding this Amendment, from a Scotch point of view. He wanted to know if the noble Lord succeeded in carrying the Amendment would he venture to introduce a similar measure for Scotland? As the House was aware, in Scotland they had universal school boards. He was not prepared to say that, in all cases, those had worked to the entire satisfaction of the people. In some cases they had not; in some cases they had been unnecessarily hasty in building expensive schools and spending too much money; but even that error was only excess of zeal in a right direction, and though many ratepayers might complain, he did not think there was a parish in Scotland that would not reject with contempt any proposal to disband themselves. And why should it be different in England? He would be apt to think it was not creditable to the intelligence of Englishmen, if he did not know that there was a strong sectarian element underlying the proposal, which accounted for the anxiety of hon. Members opposite to adopt this retrograde measure. The House fully believed in the honest intentions of the noble Lord, but if the Amendment contained a point which he deemed of real importance, why was it not in the Bill?

Why did it appear now as a new discovery? Why was the 13th clause postponed to the very end without a word about their intention of so changing it? The country would be very apt to think that this blow at school boards was the real principle and *raison d'être* of the Bill; that all they had previously done so complacently was only introductory to this Amendment. They would conclude that it was kept out of the Bill lest it should unduly alarm their sensibilities and rouse a general opposition. Hon. Members opposite said it was only an attempt to give effect to the popular voice as expressed by majorities. He had been much amused at the sudden appreciation of the popular vote thus shown by hon. Members opposite. It was a tenderness quite new to Conservative opinion. He would like to know how far they were willing to go in that direction. If a narrow majority wanted to abolish a municipality as well as a school board, would they be equally willing, or would they consent to a Parliamentary burgh voting its extinction, or when his friends of the Home Rule party pointed to the large majority across the Channel in favour of a Home Rule Parliament, would they equally defer to those majorities? They knew they would not; they knew they supported this particular retrograde measure only because it seemed to suit their Party views, and now that it had been made apparent that the Bill was intended as a thoroughly retrograde measure, the Opposition were bound to resist it by every constitutional means, and to that end he was willing to give his assistance.

Mr. D. DAVIES opposed the clause. He believed it would have a most injurious influence throughout the country. It went entirely to condemn the Act of 1870. He was not so much afraid of the disestablishment of school boards as of the mischief that would be done to education. If the clause succeeded, it would be said by a certain section of the working classes—"We thought you were wrong at the time you passed the Act establishing school boards, and now you see Parliament is of the same opinion too." He was of opinion, further, that there had been something like indecent hurry in this matter. The Government should have waited till they had gained some experience as to how school boards under Town Councils and Boards of

Leicestershire would have led the right hon. Gentleman to the conclusion—whatever his own private opinion or the private opinion of his Friends might be—that it was not worth while to encumber the passage of the Bill by accepting this clause. He doubted whether, among his numerous avocations, the right hon. Gentleman had had time to make himself master of the clause. A day had been unfortunately and unnecessarily wasted in this discussion. It had, however, been wasted, not by the discussion of the clause, but in consequence of the adoption of the clause by the Government. If the clause had not been adopted by the Government he believed the Committee on the Bill might have been concluded that day. But although the day had been wasted, he did not think it was too late, even now, to appeal to the right hon. Gentleman to consider whether it were absolutely necessary to force the clause against what he must feel was the unanimous opinion of that side of the House. The right hon. Gentleman could not believe that the clause was essential to the Bill which the Government had introduced, for if it had been essential it would have been proposed by the Government. The Government had had an opportunity of considering the question for a long time, and they had deliberately introduced a well-prepared and well-considered measure which did not contain this proposition. Again, as the hon. Member who proposed the clause had informed the Committee that day, the proposal had been on the Paper for a considerable time, and consequently the Government had had ample opportunity of considering it. It was not included, however, in those important Amendments in regard to which the noble Lord the Vice President of the Council made a statement the other day. For those two reasons, he thought he was justified in coming to the conclusion that the Government could not deem it to be a matter of such vital importance as to consider it necessary at all hazards to insist upon introducing it. After the statement made by the right hon. Gentleman last night it was impossible that he could regard the expenditure of two or three days at this period of the Session as a matter of no concern. The convenience of the House and the object of many of the measures

*The Marquess of Hartington*

Government becoming law must be involved in the decision of the Government on this point. He trusted that before the discussion was resumed, the right hon. Gentleman would carefully consider whether it were necessary to force on the divided opinion of the House a proposition which the Government did not think it necessary to introduce, and which, if the right hon. Gentleman had been present last night, he would have heard supported by the Vice President of the Council in a hesitating manner and really as a matter of small and trifling importance.

Question put.

The Committee *divided*:—Ayes 120; Noes 175: Majority 55.

House *resumed*.

Committee report Progress; to sit again upon *Monday* next.

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its sitting at Nine of the clock.

#### SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Deputy Speaker do now leave the Chair."

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

#### THE TURKISH DEBT—THE LOAN OF 1854.—RESOLUTION.

Mr. RUSSELL GURNEY, in rising to call the attention of the House to the circumstances under which the Turkish Loan of 1854 was subscribed for; and to move—

"That an humble Address be presented to Her Majesty, praying that Her Majesty will direct that a communication may be made to the President of the French Republic in order to ascertain whether the French Government will unite with the Government of Her Majesty in pressing upon the Government of Turkey the complete fulfilment of the conditions upon which the Turkish Loan of 1854 was subscribed for."

the circumstances involved in

is Motion occurred upwards of 20 years ago. It was perfectly well known how great was the anxiety that prevailed in his country at the time as to what was called then, as now, the "Eastern Question," although it was at this moment presented to them in a different form. Twenty years ago it was not a contest between Turkey and any of her provinces, but a struggle between Turkey and Russia as to whether the latter should have any such domination over the internal government of Turkey as might lead to the dismemberment of the country, and the substitution of the rule of Russia for that of Turkey over, at any rate, some of her provinces. That anxiety continued for a considerable part of 1853, whilst negotiations were going on at Constantinople; and it was in the summer of July, 1853, that the first act of hostility was committed by the crossing of Russian troops into, and the occupation of, Turkish territory. That was spoken of as not being intended as an act of war, but simply in order to obtain material guarantees for the claim made by Russia against Turkey. Turkey, however, protested against that act of aggression, and having protested in vain, war was declared on October, 1854, and from that time hostilities proceeded. During this time negotiations were continued between the European Powers, great attempts being made to put an end to hostilities. These negotiations, however, failed, and in the spring of 1854 it became clear that warlike measures were about to be taken. A Convention was then framed by which England and France undertook to afford support to Turkey, and in April war was declared against Russia. The resistance which had previously been offered to the Russian troops after they had crossed the Pruth was one for which the European Powers were scarcely prepared in the face of such overwhelming odds, especially when it was remembered that Turkey at the time experienced one want—the want of money to supply her soldiers with arms, she being at the time amply supplied with men. It was not to be expected that any nation engaged in a war of that description should be able to provide the funds for carrying it on out of the ordinary revenues of the year, and France herself had to raise a loan of £10,000,000. Tur-

key attempted to raise a loan of £6,000,000, and the matter was placed in the hands of the Messrs. Rothschild, a house which very seldom failed in carrying such transactions to a successful issue. Something, however, was rumoured of a loan which Turkey had endeavoured to raise before, and of a supposed repudiation on her part, and it became impossible to obtain the money which she wanted in the English market, and the proposal for a loan in the instance of which he was speaking was withdrawn by the Messrs. Rothschild. Still it was felt to be absolutely necessary that money should be obtained, and negotiations on the subject went on, though what was the exact form of those negotiations he had not been able to ascertain from the Papers which had been laid before the House. The results, however, were perfectly clear, for shortly afterwards it was announced that a Turkish Loan had been placed in the English and French markets, and which was so placed under what could not be otherwise described as the "auspices" of England and France. It appeared, too, from the prospectus which had been issued in connection with it, that it was not only charged on the general revenue of Turkey, but was specially secured, principal and interest, by the assignment of 30,000,000 piastres (£282,000 sterling), tribute payable by the Pasha of Egypt to His Majesty the Sultan, by virtue of the Treaty of 1841, contracted under the sanction of the great Powers of Europe. "This tribute," it was added, "is to be remitted half-yearly direct from the Pasha in Egypt to the Agents in London." Then came the following paragraph:—

"The undersigned have the satisfaction to acquaint the public that they are authorized by the Earl of Clarendon, Her Majesty's Principal Secretary of State for Foreign Affairs, to state that this Loan is negotiated with the knowledge of the English Government; that Her Majesty's Government is satisfied that the Loan and the appropriation of the above-mentioned 30,000,000 piastres (£282,000 sterling) per annum of the Egyptian Tribute are duly authorized by His Majesty the Sultan; and further, that the representatives of the Sublime Porte at Paris and London are empowered by virtue of the Imperial Firmans, to ratify the contract for the Loan in the name of His Majesty the Sultan, and Lord Clarendon relies with confidence upon the Turkish Government fulfilling with good faith the engagements they have entered into. The undersigned are assured that a similar declaration will be made by M. Drouyn de Lhuys,

the French Secretary of State for Foreign Affairs.

"ISAAC L. GOLDSMID.

"J. HORSLEY PALMER.

"London, Aug. 16."

There was also a letter signed by Lord Clarendon, which was as follows:—

"Messrs. Black and Durand are duly authorized by the Sublime Porte to negotiate a loan of £5,000,000 sterling, all expenses included, and to offer as a special guarantee 30,000,000 piastres of the annual tribute of Egypt. The representatives of the Sublime Porte at London and Paris are authorized, in virtue of Imperial Firmans, to ratify the contract of the Loan in the name of the Sultan. The contract between Messrs. Black and Durand and Messrs. Goldsmid and Palmer has been concluded with the knowledge of Lord Clarendon, who has confidence in the good faith with which the Turkish Government will fulfil the engagements they have entered into.

"Foreign Office, Aug. 16, 1854."

That appeared from the bond and firman deposited in the Bank of England and the Bank of Paris. A letter also was published precisely in the same words, signed by M. Drouyn de L'huys, the Foreign Minister of France. It was important to see what the engagements were, the fulfilment of which was thus vouched for by the Foreign Ministers of England and France. They stated—

"On the security of the mortgage of the tribute which the Sultan had reserved out of the revenues of Egypt, in re-appointing, in 1841, Mehmet Ali Pasha of that province, and rendering its Pashalic hereditary in his family, and on the encouragement given to the Loan by the allied Governments, the money sought by the Sultan was furnished by English subscribers, and the Loan constituted part of the history of the war. Subjoined to and made part of the prospectus was the following notification:—

"The undersigned have the satisfaction to inform the public that they are authorized by the Earl of Clarendon, Her Majesty's Principal Secretary of State for Foreign Affairs, to state that this Loan is negotiated with the knowledge of the English Government; that Her Majesty's Government is satisfied that the Loan and the appropriation of the above-mentioned 30,000,000 piastres (£282,000 sterling) are duly authorized by the Sultan; and further, that the representatives of the Sublime Porte at Paris and London are empowered by virtue of the Imperial Firmans to ratify the contract for the Loan in the name of His Majesty the Sultan; and Lord Clarendon relies with confidence upon the Turkish Government fulfilling with good faith the engagements they entered into. The undersigned are assured that a similar declaration will be made by M. Drouyn de L'huys, the French Secretary of State for Foreign Affairs, Isaac L. Goldsmid, and J. Horsley Palmer.—London. 16th August." As usual in loans, a general bond, dated August 24th, 1854, was

deposited in the Bank of England. This general bond contained the following irrevocable pledge:—"Be it therefore known that the undersigned, deeming it most for the interest and advantage of His Imperial Majesty's Government to raise the said Loan on the terms and conditions hereinafter contained, do, in pursuance of the powers and authorities vested in them for that purpose, hereby bind and oblige the Government of His Imperial Majesty and the revenues of the Ottoman Empire and Government to the payment of the said Loan, principal and interest, as hereafter stipulated, and in particular do specially and irrevocably charge forthwith as the additional guarantee 30,000,000 of piastres or £282,000, part of the tribute payable to His Imperial Majesty by His Highness the Pacha of Egypt, and in order that the said 30,000,000 of piastres, or £282,000 sterling, may be more effectually and irrevocably pledged and appropriated to the payment of the interest and redemption of the said Loan, the undersigned engage that the necessary Firmans and authorities shall be issued without delay for the due and punctual remittance to the Bank of England or the Bank of France, so that the same may be at the disposal of the Agents of the Loan for that purpose." This general bond bore the signatures of J. N. Black; the Ambassador of the Sublime Porte at Paris, Vely; P. Durand; the Minister of the Sublime Porte in London, C. Musurus."

From that it appeared that this sum of £282,000 was to be perpetually charged with the interest upon the Loan, and that one-half of the interest was to be paid on the 10th of April and the other on the 10th of October in each year. And then followed a rather curious provision, which might be a small matter, but what appeared to him not unimportant, as showing how complete was the concert between the three Governments, for in October, 1854, the Sultan issued a solemn decree in which he stated—

"That the suitable partition of this sum of sixty thousand purses between the two Banks shall be discussed and settled on the spot between the two Allied Governments and my Imperial Ambassadors in London and Paris."

He could not conceive anything showing more plainly that it was under an arrangement between Turkey, England, and France that this money was to be obtained in the English market. The money was at once obtained; but had it been merely on the assurance of Turkey that these engagements were proposed, the Loan would have fallen as flat as the Loan of Baron Rothschild had fallen a few months before. It was subscribed for because the name of Lord Clarendon was security for England, and that of M. Drouyn de L'huys for France, and all parties looked to the engagement

being fulfilled on that account. He must, however, go a little further on in the financial history of this matter, and look at what occurred in the following year. The money, obtained as he had described, was employed in all that was necessary for the carrying on of the war. Lord Palmerston declared that great as were the efforts of England and France, it was in vain that these efforts should be made unless they were seconded by the efficient support of the country most materially interested. His declaration showed how strong were the feelings which the Ministers entertained of the importance of the money being obtained in order that the Turkish Army might be brought into an efficient state. Still the war continued, and it was necessary in the following year that more money should be raised. The money was raised in this way. It was very much discussed in the House of Commons, and Lord Clarendon distinctly stated what was the security on which the money was advanced, in order to show how perfectly safe the English and French Governments were in joining in that decree. The first security was this—The tribute money at that time was £282,000, and all that was required for the Loan of 1854 was £210,000, leaving £70,000 surplus still open to any lien that might be laid upon it. Accordingly, the first security offered for the Loan of 1855 was this £70,000. For the remainder they looked to other revenues of Turkey, which would more than pay the interest and provide a sinking fund. From that time the payments had continued to be made every half-year in April and in October upon the order of the Turkish Ambassador upon the Bank of England and the Bank of France. For 20 years this went on, without a question being raised, and the pledges of Turkey were fulfilled. But now came a time when a difficulty first arose. In the Autumn of last year the Turkish Government came to the conclusion—and it was a correct one—that they could not pay the whole of the interest upon the various loans and the immense floating debt which existed, and it was proposed at once to reduce the interest one-half, the rest to remain for five years upon the security of certain stock. This was <sup>to</sup> to apply to the whole of the debt unsecured, for which no revenue was pledged, and for

which 18 or 20 per cent had been asked and given on account of there being no security. It was supposed that the pledge with regard to the Egyptian tribute was irrevocable. For the first time, however, a few days before the 10th March, application was made to the Turkish Ambassador in the usual way for an order upon the money pledged to the bondholders, and which was lying in the Bank of England. The Ambassador refused, unless they would agree to take the half offered to the other creditors and which they had been obliged to take. It was thus proposed that a very large sum—about £100,000—of the surplus should be left at the disposal of the Turkish Government. For what purpose? In order that the Guaranteed Loan might be paid in full out of the very money pledged to the bondholders of 1854. It was utterly impossible for the Government to take a single sixpence of the stolen money—it would be stolen money and nothing else; and it could not be supposed that an English Chancellor of the Exchequer would countenance it; indeed, it was an insult to the Government to suppose that they would be in any way parties to the reception of money under those terms. It might be asked what was the course he thought the Government ought to take. Application had been made to the Foreign Minister for assistance, and while he expressed considerable sympathy for the bondholders, he declared that anything he could do must be done, not in his official, but in his unofficial character. That was making a distinction which ought not to be made. The pledges were made not by Lord Clarendon, but by the Foreign Minister, together with the English and French Governments; they were not unofficial, but official, and he could not understand on what conceivable ground it could be said that the support to be given must be unofficial, when all that had been done by the Government previously was in their official capacity. They had been referred to the South American loans. But this case was different, and it could not be said of this as it might of some Spanish or South American debt, you must take your chance upon the credit of the country you deal with. At the request of Turkey, the Foreign Ministers of England and France had given these pledges and had stated their confidence in



the good faith of the Ottoman Government to fulfil the various pledges contained in the firman. Our Government had a right therefore to call on the Turkish Government, at any rate to make good the pledges that that Government had asked them to give. But for this money the Turkish Army would have been an unarmed multitude, but being thus supplied with the sinews of war their forces were enabled to offer a stout resistance to the enemy. It was therefore for the interests of England and France to give this guarantee, but apart from that we had a right to call upon Turkey to observe her promises. He did not ask Her Majesty's Government to send the Fleet to Besika Bay; but he thought that Sir Henry Elliot, as the Ambassador of Great Britain at the Porte, might very well be instructed to remind the Turkish Government of the assistance they had received from Great Britain and France, and to call upon them to fulfil their pledges. Without anything like a declaration of war, a moral support might be given by our Ambassador to the claims of the bondholders. He was sure the present Government would not repudiate the action of their Predecessors, and so he would not say a word as to their responsibility in the matter. One word he wished to say on the form of the Motion with which he intended to conclude. He might state that his original intention was to pray Her Majesty to direct Her Ambassador at the Porte to use his just influence in order to secure the fulfilment of the conditions on which the Loan was raised; but it had been suggested to him, very properly, that it would scarcely be respectful to France for England to take action alone, and therefore he had adopted the form of words which appeared on the Paper. He had said nothing of the miseries inflicted upon those who, trusting to the declaration of our Foreign Minister, had advanced their money to the Turkish Government. He felt strongly upon the matter, but there was one thing which, as a Member of the House of Commons, he felt more strongly, and that was regard for the national honour and deep regret that any British subject should be suffering the calamities now experienced by the subscribers to the Loan of 1854, in consequence of the faith they had placed in the declaration

of Her Majesty's Government. The right hon. and learned Gentleman concluded by moving the Resolution.

SIR THOMAS CHAMBERS seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that Her Majesty will direct that a communication may be made to the President of the French Republic, in order to ascertain whether the French Government will unite with the Government of Her Majesty in pressing upon the Government of Turkey the complete fulfilment of the conditions upon which the Turkish Loan of 1854 was subscribed for,"—

(*Mr. Russell Gurney*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. FRESHFIELD, in supporting the Resolution, said, he coincided in the reasons assigned by his right hon. and learned Friend for bringing forward the Motion. His right hon. and learned Friend had conclusively shown that the Loan of 1854 was raised on principles less speculative and less sordid than was usual in such cases; that, in fact, patriotism had something to do with it. The Loan of 1854 was a loan raised upon a special security at a time when Turkey was not in debt; it was made with the knowledge and sanction of two European Governments, in the interests of Europe, not less than of Turkey, and it was perfectly successful, the security being the annual tribute of Egypt, which amounted to £282,000. But that was not all; for the Government, following up and endorsing the policy of 1854, sanctioned a second loan on the security of the Egyptian tribute, or rather of the £70,000 of it which remained unmortgaged. There could be no doubt that the Government were well acquainted with all the circumstances of those loans, and he thought it was clear that the bondholders had a right to appeal to Her Majesty's Government to use their best efforts to secure the due payment of the interest that was promised. The security was still in existence—namely, £210,000 of the Egyptian tribute, which was set apart for the payment of 4 per cent interest. Up to the last two years that interest had been duly paid by the remission of the tribute to the Bank of

*Mr. Russell Gurney*

England, and its payment by the order of the Turkish Ambassador to the trustees appointed under the contract as representatives of the bondholders. After the lapse of 20 years the Turkish Government now found itself in some difficulties, and it had suggested that all the loans contracted, including the Loan of 1854, should be paid into a new general loan upon the hotch-potch principle, the special appropriations in particular cases being forgotten or ignored, the interest on one-half of the amount being deferred for five years, all past engagements being forgotten. But Turkey had no right to take away or appropriate to other purposes the money which had been appropriated to the payment of the interest on the Loan of 1854; and, looking at the position taken up by Lord Clarendon and the Foreign Minister of France at the time, there could be no doubt that Her Majesty's Government were entitled to interfere for the purpose of making the Turkish Government keep faith with respect to this particular loan. But for that loan, none of the subsequent loans which had been placed upon the Exchanges of England and the Continent could have succeeded. The contract was so clear, the conditions so distinct, and the security by which the payment of interest was guaranteed so complete, that he thought his right hon. and learned Friend might very easily have made his Motion a great deal stronger than that to which he gave his earnest support. On going through the printed Papers he had been much struck by a telegram from the Turkish Government to the Turkish Ambassador in London, dated the 16th of October, 1875. It was in the following terms:—

"The late financial measure will not be applied to the Loan of 1855, guaranteed by England and by France; and the service of the interest will continue to be made as heretofore."

He looked upon that communication from the Turkish Government as in effect suggesting to the two powerful Governments of England and France—"We are not going to cheat you, or to take away either the interest or principal of the Loan of 1855, we are only going to defraud your helpless and hopeless subjects; we have got their money, and we mean to misappropriate their security." He said that that communication made it imperative on our Government to give it an answer, protesting that they

would not have their interest or their principal paid at the expense of the helpless bondholders, but that Turkey must honourably fulfil her engagements towards the subjects of Great Britain and France.

MR. HAMOND said, he was sorry the Motion had been brought forward, as he had hitherto believed it was the characteristic of Englishmen always to have forbearance towards a foe when he was sorely pressed. He regretted to hear the hon. Member who had just sat down (Mr. Freshfield) attribute fraud to the Turkish Government. The *Irade* of the 6th of October last was not in the least intended as a repudiation, or as an amalgamation, or as a throwing into hotch-potch of the entire Debt of Turkey, but it merely meant that the payment of half the interest and sinking fund was to be suspended for five years, hoping that at the end of that time Turkey would be able to resume payment in full and go on as she had done previously, the interest of her Debt and her sinking fund being far too heavy for her to bear. That was not attempting to defraud, nor was it holding out to the Governments of England and France that Turkey would pay them in full, but would rob their subjects of half their due. The loan guaranteed by England and France had only £42,000 of the Egyptian tribute appropriated in payment of its interest, the remainder being secured to the Customs of Smyrna. Neither had there been a proposal made by Turkey to the Foreign Office that they would appropriate a greater sum than £42,000 from the Egyptian tribute, as they were entitled to the surplus from the £280,000 hypothecated to pay the Loan of 1854. He doubted very much the propriety of pressing a country like Turkey, under present circumstances, to pay any loan, or interest on a loan, which she had contracted, seeing she was now struggling against a rebellion fomented and encouraged by those who were called her allies, and also fighting for her very existence as a European Power. That was not a time for the British House of Commons to tell Turkey, in her hour of dire necessity—"Pay what you owe me, pay what you owe your foreign creditors—to the last fraction of a pound." Let them be fair to that much-maligned country. The 1854 Loan was the first foreign loan Turkey ever contracted.

She then had a large revenue, and her expenditure never exceeded her income. True it might be that in the throes of her then struggle for her independence, assisted by England and France, the Ministers of those countries went rather out of the way—he allowed this for the sake of argument—and encouraged their respective peoples to lend Turkey their money. But when men entered into a contract the terms of that contract must be looked to. He held in his hand one of the bonds of the 1854 Loan, and in it he saw no engagement on the part of the English or the French Government to pay interest or guarantee either the interest or the redemption money; but the Porte made a contract with the bondholders to hypothecate £282,000 of the then Egyptian Tribute, to be remitted to England to pay the interest and sinking fund. The Porte had done so; and even while he was speaking he believed that condition was being honestly fulfilled by the Khedive, who made the arrangement with his Sovereign and with the assent of Turkey. He did not think that the bondholders of 1854 had a right to call for the special interference of the Government of this country or of France to help them out of their difficulty, because while they had the advantage of the Egyptian Tribute being remitted direct by the Khedive to the Bank of England, the Porte held the sole control over that remittance; and it was only released from being the property of the Porte by the order of the Turkish Ambassador, who directed the Bank of England from time to time to pay the interest and the sinking fund. If there was any Turkish Loan which had a claim on our Government it was that of 1858, which was the first loan contracted after the war; and the Governments of England and France, which had shed their blood and spent their treasure for the independence of the Ottoman Empire, encouraged that loan. Both Lord Clarendon and Lord Russell, he believed, interfered and took active steps to impress on the Turkish Government the necessity of fulfilling their engagements in respect to the Loan of 1858. Moreover, by a distinct hypothecation the Customs of Constantinople were irrevocably pledged for that Loan, and could be received by the contractor of the Loan to pay the dividends. There was no withholding of them,

until an order came from the Turkish Ambassador, as in the case of the Loan of 1854. The loans contracted by Turkey subsequently to 1858 stand upon the same footing as the loan of that date, because certain taxes had been hypothecated irrevocably for their payment. But, he asked, was this the time at which to press the Turkish Government? He had every reason to believe that this insurrection or rebellion, if it could be dignified by the name of rebellion—being what he himself would call a disturbance of a few of the provinces of Turkey—had been instigated and encouraged by one who professed goodwill towards her and to be her honourable ally. He believed when this question came to be discussed, that it would be found beyond a shadow of a doubt this disturbance had been brought about, not because the subjects of Turkey were dissatisfied and disaffected, but by a universal system of foreign intrigue, which had been carried on persistently for the last nine or 12 months with the view of ruining Turkey financially as well as politically. When the Papers were laid before the House he believed that would most certainly be its opinion. He, therefore, earnestly asked the right hon. and learned Gentleman not to press the Government upon this matter at the present juncture of affairs. He was in constant communication with the Porte—humble individual as he was—and he had every reason to believe that in a short time, as this political question was settled, a proposal would be made by the Turkish Government—that, in fact, the Turkish Government were entertaining now proposals of a very important character, which within a month must culminate in some point or other, and that that culmination would be a fair and honourable proposal on the part of the Ottoman Government, which would, he believed, place everything fairly and honestly before its foreign creditors, without any reserve or secret whatever, in regard to the financial position of the country. There could be no advantage derived from pressing her at the present moment. What was her position? Unable to borrow a single penny, her credit utterly gone, her interest upon her foreign Debt unpaid, her provinces in rebellion—was it right, under such circumstances, for Englishmen to press her? He trusted that it would not go forth

*Mr. Hamond*

from the House of Commons that the *Irada* of the 6th of October was put forward by Turkey merely with the view of defrauding her foreign creditors. In the Circular of the 16th of October Turkey repeated the terms of the *Irada* of the 6th in the most solemn manner, and expressed her willingness to appoint a syndicate of foreign bondholders, and to hand over to them the revenues hypothecated under the different loans, which would be sufficient to pay the interest and the sinking fund under the *Irada*. Did that look like an attempted fraud? If a person could not for the moment pay 20s. in the pound, what more could they do than say—"That is my all—take it?" He earnestly asked the right hon. and learned Gentleman, after the observations he had made in reference to the Loan of 1854, not to press this matter to a division unless he included in his Motion all the loans, but that we should wait quietly and patiently, and we should soon have an opportunity of judging Turkey. If she was able to stem the present torrent—and he had not the least doubt that she would—then he believed that she would make every possible arrangement consistent with reason to satisfy her creditors to the best of her ability, and prove to the world that she had no desire or intention to defraud them.

MR. GLADSTONE confessed himself at a loss to comprehend or to reduce to any tolerable consistency the several parts of the speech of the hon. Gentleman who had just sat down (Mr. Hamond). The larger part of the hon. Gentleman's speech recalled that age of chivalry which Mr. Burke told us long ago had altogether vanished, and appealed in touching and pathetic tones to the lofty and high-minded sentiments and to the warm-hearted feeling of Englishmen, and enreated them not to press Turkey in her hour of difficulty. But how did the hon. Member close his speech? The right hon. and learned Gentleman the Recorder for the City of London had made a special appeal to the Government to press upon the Porte, upon grounds which he would presently consider, the necessity of discharging its obligations with regard to £2,000,000 of its Debt, and the hon. Member who had just sat down said "how cruel to press Turkey at the present moment to pay the interest upon those £2,000,000 of Debt," and he re-

quested the right hon. and learned Gentleman to withdraw his Motion unless he would consent to include in its terms the whole of the other Debt. In that case the hon. Member was content to forget that he was an Englishman, and put aside all his high-flown principles, and was willing to go into the Lobby with the right hon. and learned Gentleman, if he would only not insist upon getting these two payments. [Mr. HAMOND: Permit me to explain that I never said so.] He believed that he had stated accurately the relative positions of the hon. Member's speech, and if he were in error the hon. Member would have an opportunity at the proper time of correcting him. He himself, on the other hand, wished to take a course exactly opposite to that of the hon. Member. The purpose of the hon. Member's speech was to mix together the whole of this immense question and to justify the course pursued by Turkey with regard to her Debt of £200,000,000. He, on the contrary, treading in the path of the right hon. and learned Mover and of the hon. and learned Seconder of the Motion, wished to separate absolutely and completely the case of the Debt of £2,000,000 from that of the Debt of £198,000,000. The Debt of the £2,000,000 was entirely isolated from that of the larger Debt. In itself the smaller Debt was a very insignificant matter, because it only involved a sum of some £50,000 or £60,000 per annum, and therefore the whole amount at issue was very trifling, and in a financial sense, perhaps, trumpery compared with the larger sum at issue. And it was a still more trifling affair, because the sum which the right hon. and learned Gentleman the Recorder for the City of London asked to have paid over to the bondholders was not at present under the command of Turkey. It might, perhaps, in a negative sense be at the command of Turkey, because nobody else could get at it without her consent. That was what the hon. Member called being under the sole control of Turkey. If £10,000 was in a bank, and a man had power to prevent the bank paying it over to a third party, but was unable to get it himself, it could not be said that he had the sole control over it. Turkey herself could not touch a single shilling of it. The Bank of England did not understand this *Irada* as the hon. Member had understood it. He said it was

a proposal to the bondholders, on the part of Turkey, to forego half their dividends. It was a proposal of much the same sort as the executioner made to a criminal to be hanged, after his sentence had been pronounced. There was no choice of any kind whatever left to the bondholders. But this money was laid up in a particular coffer, and although it was perfectly true the Turkish Ambassador held one of the keys on behalf of his Government, the coffer could not be opened except for the benefit of the bondholders. And as this matter was isolated with regard to the Turkish main Debt, so also was it isolated as regarded the general policy of Her Majesty's Government. It was clear, from the quarter from which the Motion under discussion proceeded, and from the speech of the right hon. and learned Mover, that Party feeling had no relation to the question, and he was therefore sorry and surprised that the matter had not presented itself in what he took to be its true view to the eyes of Her Majesty's Government. At the same time, he felt it would be his absolute duty to avoid saying a word which could, in the slightest degree, make it difficult for the Government to listen to an unprejudiced view of the case. The right hon. and learned Gentleman the Recorder of the City of London had given to the bondholders the valuable aid of his high character, long experience, and judicial mind, and it was on the part of the right hon. and learned Gentleman a perfectly gratuitous service. He (Mr. Gladstone), on the other hand, stood in a wholly different position. He bore an obligation which he could not but discharge, for he was the sole Representative in that House of those Ministers who were responsible for the transactions connected with the Crimean War. He did not know that either he or Lord Granville had any personal share in the particular transaction under discussion; but regarding the question in the concrete he admitted to the full, and absolutely, the responsibility of the Government of which he was a Member, and was prepared to defend it to the utmost on its merits. To him it seemed that this was neither more nor less than a question of honour, and that it was impossible for them to remain as they were, silent and inert on the subject of this loan, without dishonour to this country. Of course, he did not wish

to say that those who hitherto had not adopted so strong a view as that which had been forced upon himself were less sensible of the importance of maintaining the honour of the country than he was; but he felt convinced that, on repeating the true character of the facts, that would be the general feeling and opinion of the country. This being so, the first proposition he wished to place strongly before the House was that the money was obtained from the bondholders of this country and elsewhere entirely and exclusively in consequence of the letters written by Lord Clarendon and M. Drouyn de L'huys. Until they were written the money was refused, and when they were written it was given with promptitude. His next proposition was that it was a mistake to suppose that the effect of the letters was to induce the purchasers of bonds to place reliance on the general credit and revenues of Turkey, although it might be perfectly true, as had been stated by the hon. Member for Newcastle-on-Tyne, that that case might have happened, for Turkey at the time had no foreign Debt and a revenue considerably above her expenditure. But, as a fact, the security upon which these gentlemen trusted their money was not worse now than it was then, for if every shilling of the general revenue of Turkey dwindled away and disappeared, their security would remain the same. The Egyptian tribute was their security, and it was irrevocably and absolutely devoted to the purpose up to a certain sum until the loan was liquidated. Nothing could be clearer than the evidence on the point, for it was stated in the contract, which was quite sufficient to fix it upon the British Government, and was likewise in the firman of the Sultan, in different words, but the effect was exactly the same. The Sultan desired that the liquidation should continue till the liquidation of the loan, both principal and interest, was complete. The only question that could arise was, what might happen if the Pacha were to fail in his duty; and taking the circumstances as they stood, the impression made on his own mind was that the Khedive, in the midst of his great difficulties, had a very great anxiety to discharge his obligations. Nothing could be more improbable than that he would make himself a party to that which was regarded as an

ct of repudiation, and had all the aspects of repudiation, whether so intended by Turkey or not. The power of Turkey to pay was complete. It was not as if there were money she had power to apply to other purposes, for she had not that power. Every shilling requisite for the fulfilment of those obligations was ready, although it was in the power of Turkey to prevent its being employed for its legitimate ends. It was, therefore, wide of the question to suppose that Egypt could assist Turkey in any scheme of repudiation. These letters of Lord Clarendon and M. Drouyn de L'huy's were so strong and firm, and even solemn in their character, that even if they thought these letters ought not to have been written, they could not say that they were sorry their prestige had suffered, but that they could not help it, without being guilty of an act of dishonour. He did not enter into the question whether Turkey issued that *Irade* with the intention finally of liquidating everything, but the question was, whether England was to use her influence with Turkey to allow this fund to go to its proper purposes. He had seen it stated and imputed to Lord Derby that these letters were very much to be regretted, and were not to be considered as binding. If they were part of the most foolish measure ever passed, they must be fully and absolutely supported, for he maintained that the only principle on which government could be carried on was to accept fully the consequences of all official acts. But he maintained that these letters were no discredit to the prudence of the Governments which caused them to be issued. At that time England and France were about to enter on enormous expenditure to prevent an invasion of Turkey by Russia, and they accordingly made it clear to the Turkish Government that they could not undertake the whole responsibility of defending Turkey against Russian conquest. The Turkish Government replied that, although they had endeavoured to do it, they had found it impossible to provide for the expenses of a war such as that which was impending out of the ordinary revenues of the country. They did attempt to raise the money, and the effort having failed, it was impossible for England and France to stand by and leave Turkey in a condition in which she would neither have revenue to support a war nor credit

to borrow money. England might certainly have allowed Turkey to borrow £3,000,000 under a letter of recommendation; or was she to have guaranteed the loan? [The CHANCELLOR of the EXCHEQUER: No, no.] Well, he would not enter into that question. He did not think it would have been wise, because it might have become the duty of the Chancellor of the Exchequer to come to Parliament and ask for the means of discharging that guarantee. The remaining course was that England might have given Turkey the money. Well, he did not agree with the system of guaranteeing the loans; and if he did not mistake, his right hon. Friend had in 1855 joined in a protest against that system. That, however, had gone by. What he said was this—that what Lord Clarendon and M. Drouyn de L'huy's did was the least they could do. The question was not whether what they had done was the right thing to do, but whether it was not the least and the best thing they could do. If they had not done that, they must either have paid the money or guaranteed it, and either of those things would have been a great deal more stringent. They engaged this country to the minimum that they thought it necessary to go, and under these circumstances it would indeed be strange if they were to object to what Lord Clarendon and M. Drouyn de L'huy's did because it was of an insufficient character, and said that they ought to have paid the money outright or guaranteed it. Well, in 1854 the obligation of our Government to these bondholders became complete, and it was even strengthened by what took place in 1855. The Convention of that year was an absolute Treaty between Turkey on the one side, and England and France on the other; and in that Treaty they found embodied the very words that a certain sum of money was to be available for the interest of the guaranteed loans after a sufficient sum had been appropriated for the payment in full of the loan of 1854. It was no extravagant construction of that Treaty to say that Turkey was bound to this country and to France by the words of that Treaty to the full discharge of those obligations. Everyone would have observed the very peculiar form of the proceedings of the Ottoman Porte on the subject. In 1854 the English and French Governments pledged

their honour to a loan; they gave an honourable assurance that the Porte could and would fulfil its obligations. In 1855 they pledged the credit of the nation, and made the money receivable at the Bank of England. What was the language of the Ottoman Porte? The hon. Gentleman who spoke last (Mr. Hamond) treated it as if it had been complimentary to us. He (Mr. Gladstone) must confess that it appeared to him, on the contrary, to be disparaging in the highest degree, for what the Ottoman Porte said was—"We will not cheat you; we will only dishonour you. The loss of money, we know, you could not stand; the loss of credit and reputation is a matter which in these times of modern philosophy you are much better able to bear with." Let them remember that when the loan of 1855 was made there was a distinct recognition of it under the Treaty. What were the declarations of those who dealt with the subject as it passed through Parliament? Lord St. Leonards used the remarkable expression that by this transaction we had become assignees of the Egyptian tribute for the benefit of the creditors. Lord Clarendon and Lord Palmerston, in the most express and clearest manner, spoke of the loan as coming behind the previous charge upon the Egyptian tribute—were these empty words? On the contrary, they acted at once upon the Money Market, for the security was not a speculative one. It had, on the one hand, the full support of the English and French Governments, and, on the other hand, they had prudently arranged for keeping the money out of the Turkish Treasury altogether, and took care that it should be brought direct from Egypt to this country. The result was the loan went to 94½, whereas he believed that the people, if they wanted to sell their securities, could hardly get £30 per £100. He really could not say what constituted a strong case if that was not a strong case. He was not prepared to say that there was any limit to the rights of the British Government as against Turkey with regard to this matter. He only said that it was not for them to enter into the question whether it was desirable for the Government to push those rights to an extreme point. The Motion of the right hon. and learned Recorder was drawn with great moderation and great

judgment. It simply stated that it was the duty of Her Majesty's Government to press upon the Government of Turkey the complete fulfilment of the conditions upon which the loan was subscribed for. Was not that a very moderate statement? Was it possible to deny the leading proposition that the loan was subscribed for in consequence of the letters of recommendation, and could they now proceed as if those letters never existed? Everybody knew that that if it were a far larger question it was in the power of the English and French Governments to insist, and that by a very moderate exercise of their just influence, that Turkey had no right to make them sharers in dishonour. She had no right to parade them before the world as people who deluded the innocent holders of capital in their own countries, and induced them to go into bad security by representing to them with solemnity that it was a good one, for that was what they had done. If it was a bad security, it was one with the joint assurance of the two Governments that it was not. For his part, he thought it necessary to wash his hands of all part in such a transaction, and therefore of the responsibility of being a party to opposing the Motion. He had never known a clearer case submitted to Parliament, considering the manner in which it had been received and the quarter from which the Motion came, and deeply should he be disappointed if, in the judgment of Her Majesty's Government, or by the decision of the House, it should appear that those much injured parties were to remain without redress.

THE CHANCELLOR OF THE EXCHEQUER said, that before he proceeded to make any remarks upon the Motion, he wished to set himself right in reference to an interruption of his during the speech of his right hon. Friend opposite the Member for Greenwich (Mr. Gladstone). His right hon. Friend was speaking of the course taken by Lord Clarendon and M. Drouyn de L'huy in 1854, and stated that in recommending the loan then about to be recommended on behalf of Turkey, they adopted upon the whole the best course that could be taken in the circumstances. His right hon. Friend compared that course with the alternative of guaranteeing the loan, and asked the House in defence of the

*Mr. Gladstone*

policy acted upon, whether it was not a better mode of proceeding than guaranteeing the loan. He interrupted his right hon. Friend by saying, "No," while following the argument in his own mind that the letters of Lord Clarendon and M. Drouyn de L'huys involved us in some obligation equivalent to a guarantee. His right hon. Friend reminded him of the part he (the Chancellor of the Exchequer) took in 1855; but in that year he voted against guaranteeing the loan, and he had no doubt that had the question been discussed in 1854 he should have given a similar vote. The reason for his interruption was this—it struck him that, if instead of encouraging the loan of 1854, we had acted as we did in the following year, then, instead of finding ourselves in 1876 under some kind of obligation, unexplained and indefinite in its character, we should be absolutely clear of any obligation whatever. His right hon. Friend said that the Chancellor of the Exchequer might have had to ask Parliament for money to pay the sum so guaranteed, but on that point he took issue with his right hon. Friend. He begged to call attention to this rather simple calculation. The nominal capital of the Turkish Loan of 1854 amounted to £3,000,000; but it was issued at 80, and therefore the lenders paid only £2,400,000. In January, 1876, there remained unpaid a sum of about £890,000, representing £1,117,000 nominally. Now if the lender had perfect security, he would not have received more than 4 per cent, because in the following year the loan was raised at 4 per cent. In point of fact, the amount which the lender received in 1854 was £6 on £80, or 7½ per cent. If that 7½ per cent were to be divided between the 4 per cent which the lender would receive on the guaranteed loan, and the 3½ per cent which remained over, and if that 3½ per cent were applied by way of sinking fund, he would in 21 years have got back his capital and something more. In that case, therefore, the whole of the loan would have been paid off. It was because he had that calculation in his mind, that he was induced to say that something better could have been done; that Turkey would have received more efficient help, and we should have been free from responsibility. He now wished to ask for a few minutes, the candid and

unbiased attention of the House to that position in which we stood. Nobody could doubt that the position was a very serious one; and deserved very earnest consideration. No one could doubt that on any question which could by any construction be represented as touching the honour of England, we ought to be very jealous of that honour, and very careful of the course that we might take. But he was quite certain he was speaking the sentiments of his noble Friend, Lord Derby, and of the Government, when he said that the importance of watching jealously over the honourable obligations of England in this matter was as much present to their minds as it was to the mind of his right hon. Friend, or any hon. Member of this House. His right hon. Friend spoke very naturally with some personal feeling in this matter, because he represented in this House the Government by whom that obligation had been incurred. Well, he entirely accepted the proposition laid down by his right hon. Friend that the Government of England was not the Administration in power at any particular time, and that where the Government of one day pledged the national faith in any particular, succeeding Governments were bound in honour to take up the engagement and redeem it. But let them not attempt to say that the present Government, as their Successors, had any greater obligation than they would have had. When his right hon. Friend asked, were not Her Majesty's Government to consider the letters of Lord Clarendon and M. Drouyn de L'huys binding? his answer was that they did as far as they would be binding on Lord Clarendon and M. Drouyn de L'huys, but Her Majesty's Government did not say that the Successors of Lord Clarendon and M. Drouyn de L'huys incurred any greater obligation. Now, what was the nature of that obligation, for by the answer to that question, the position of Her Majesty's Government was to be measured. And here he would call the attention of the House to the very great delicacy of dealing with matters of this sort. We must not allow hard cases to lead us to the adoption of false general principles. We must bear in mind the proper principles upon which to proceed in relation to the debts owing to British subjects by foreign Powers, and that there was nothing that would be more



dangerous to the interests of this country, or to those whom he might call the leading classes, than that the Government should give a fictitious support to their transactions by holding out to them a sort of indefinite hope that in some way or another the money that they might lend to foreign Governments would be looked after for them by the British Government. If there were cases in which British subjects had advanced money to foreign Powers on the full conviction that those Powers were offering good security and fair interest, they must take the risk. But if we led the lender to think that in case the Power to which he lent money made default, he would get the aid of his own Government to recover his money, we should be encouraging him to believe that he had got a security which he had not. It was all very well to say that we were not to be driven to the use of force in these matters. It was all very well for his right hon. and learned Friend the Recorder for the City of London to say—"I do not ask you to send your ships to Besika Bay;" but, in point of fact, if they did begin to acknowledge an obligation, and undertook to press it on a foreign Power and that power treated us with contempt what was the ultimate resort? Were we to go as far as we could, but when the moment for action came were we to say we did not intend to go quite so far? If we acted in that way we should place ourselves in an unworthy and ludicrous position. A half support was a very awkward thing to give, and that remark he would apply to the letters of Lord Clarendon and M. Drouyn de L'huys, because those letters, falling short of an actual guarantee, did encourage the belief that a considerable amount of support was given by the two Governments, and we were now disputing what was the amount of obligation incurred by those letters. It would have been far better if we were going to do anything at the time, to have come forward frankly and said that we would give a guarantee. But what we did fell far short of that. Instead of the loan having been raised on the favourable terms on which the loan in the following year was raised when we gave the guarantee, it was raised on unfavourable terms; Turkey did not get what she expected, and it was suggested that we were in some shape or other to assist the

bondholders. His right hon. Friend the Member for Greenwich, in conjunction with the right hon. and learned Recorder, stated that the loan was obtained entirely and exclusively in consequence of the letters of Lord Clarendon and M. Drouyn de L'huys, and the former right hon. Gentleman justified the statement in this way, that when Turkey first began to make efforts to raise a loan, not having that support she failed; but when the support of Lord Clarendon and M. Drouyn de L'huys was given she obtained the money. Now he (the Chancellor of the Exchequer) did not know precisely all that occurred before the loan, but this he did know—before the proceedings which terminated in a loan, an attempt was made by Turkey to raise a loan through the agency of Baron Rothschild, and in March, 1854, Baron Rothschild put himself into communication with the Foreign Office with respect to it. Baron Rothschild had an interview with Lord Clarendon, and the result was that he wrote to the Foreign Office and he received from the Foreign Office a letter informing him that—

"The best exertions of Her Majesty's Government would always be used to secure on the part of the Turkish Government the strict fulfilment of the conditions on which the loan was made."

He (the Chancellor of the Exchequer) took the position of the right hon. Gentleman the Member for Greenwich to be as nearly as possible defined by those words. [Mr. GLADSTONE: No, no!] Then he did not know what his right hon. Friend meant. His right hon. Friend did not ask the Government to come forward and say—

"Inasmuch as we misled you, we are ready to give you a Vote out of the national Exchequer;"

but he said—

"You ought to come forward, and use your best exertions in order to secure on the part of the Turkish Government the strict fulfilment of the conditions on which the loan was contracted."

That he took to be the position of his right hon. Friends the Recorder and the Member for Greenwich. That was precisely what the Foreign Office told Baron Rothschild—that the moral support of the Government would be given, and yet he failed to raise the loan, but subsequently the object was attained—

*The Chancellor of the Exchequer*

and how? Not by giving any greater pledge, but by something rather short of that—by the hypothecation of the Egyptian tribute as a special security. It was when that arrangement, conducted under the auspices of the French and English Governments, was completed, and the Government were enabled to announce the fact to the public that the loan was issued. It was not upon any moral obligation, but on a material arrangement, by which so much money was to be paid into the Bank of England in the shape of Egyptian tribute—it was on that basis, when they changed from the moral support to the material guarantee, that the loan was actively carried into effect. That led them to examine the position of this Egyptian tribute. His right hon. Friend said this money which Turkey was called on to apply to the payment of her debts was not under her control; she could not make any other use of it than pay it to her creditors. To a certain extent that was true; but not without certain limitations. She must pay the Egyptian tribute into the Bank of England, and the Bank would not allow her to apply it to any other purpose. That was true; but if Turkey only authorized the Bank of England to appropriate one-half in payment of the loan in February, there would remain the other half standing over, and that might be used by Turkey in the next half-year. At the present moment there was lying in the Bank of England a considerable sum of money paid as Egyptian tribute in February, which was held subject to the orders of the Turkish Government. The Bank of England would not allow it to be appropriated to any other purpose, but it would be available for the interest. He thought these things ought to be known, because it ought to be understood exactly what our position was. But while he said these things, qualifying as they did some of the propositions rather hastily and rashly taken up on that subject by some hon. Member and still more by persons outside, he was very far indeed from desiring to deny or depreciate the amount of responsibility which rested on the English Government to see justice done as far as they could in this matter. He was very sensible of the moral obligation laid upon them in consequence of the assurances given by Lord Clarendon and M. Drouyn de L'huys. The Government,

were very far from denying the fact that these assurances thus given did raise to some extent an obligation in respect to those loans which would not exist in the case of other loans. At the same time they must be cautious—they must take care how far the language used by Government in respect to any particular loan was to be considered as involving an obligation to act with regard to the recovery of other loans. His right hon. Friend rather reproached the Member for Newcastle (Mr. Hamond) for venturing to introduce the case of other loans, and he said those other loans had nothing to do with this discussion. They ought not to complicate matters by bringing into the discussion other loans. Now, that was a very easy position for his right hon. Friend to take. Care must be exercised that in what we might do, or in what we might allege, we did not affect our obligations in respect of other loans. But he (the Chancellor of the Exchequer) would remind the House that the loan of 1862 was materially assisted by the insertion in the prospectus of a very gushing letter from Earl Russell, who was then Secretary for Foreign Affairs, as to the condition of Turkey and its ability to meet its obligations. [Mr. GLADSTONE: Will you read that letter, please?] He had not the letter at hand at the moment; but his hon. Friend the Under Secretary of State for the Foreign Office (Mr. Bourke) would find it, and it should be read before the termination of the debate. He was not contending for a moment that the letter of Earl Russell in that case amounted to as much as the letter of Lord Clarendon and M. Drouyn de L'huys in this; but he was saying that we must take care how far we acknowledged any action on the part of the British Government, as involving an obligation on the part of the British Government, going further than it professed to go. Undoubtedly, these letters by acknowledgment did not go the length of a pure guarantee; but it was a question how far they actually did go. If they only went so far as to involve the statement of the belief of the Government of the two countries that Turkey could and would meet her engagements, it might possibly be felt there was difficulty with regard to other loans that were issued with the same kind of acknowledgment. But this was not to be

treated quite in the way his right hon. Friend proposed. It must be remembered that when we were calling upon the Government of Turkey to make any particular arrangement with regard to any portion of its Debt, this arrangement to a certain extent, it might be a limited extent, did affect the position of the other creditors; and it was not unreasonable that we should at least consider in what we did, whether it affected the interests of other creditors. He was far from saying that the interests of other creditors had an equal claim upon us with the interests of those connected with the Loan of 1854. He was far from saying that anything like the same obligation rested upon us; but we must be careful we did not treat these matters as if we could shut out or put on one side every other consideration except this particular case of the Loan of 1854. With regard to that, after all the bondholders had some advantages over the other creditors, because they had at least a material guarantee that the Egyptian tribute, as at present arranged, must come into the Bank of England, and was there held for their ultimate, if not for their immediate benefit. Therefore, they were not so wholly left without security as some other creditors might possibly be, and he was quite prepared to admit, in the interests of these creditors, that there was a special obligation to consider and have regard to. His right hon. Friend, he would admit, might fairly say it was a matter in which we were not alone; it was a matter in which the position of the French Government as well as of our own had to be considered, and he thought it would be unfortunate if by any vote or hasty action of the House we were apparently to take any step without placing ourselves in communication with the French Government on the matter. Negotiations had been going on with a view to effecting arrangements, and at one time he was in hope they might lead to a more satisfactory result than they had. He did not know how far they were to accept the consoling assurances of the hon. Member for Newcastle, which he had heard with great pleasure, though for the first time, to-night; but he was prepared to say, on behalf of the Government, that they were not insensible to the case that had been brought forward, that it was one which had engaged

their attention for a considerable time, and they were prepared to place themselves in communication afresh with the Government of France on the subject. He did not feel justified in saying more than that at present; but he wished to remind the House of the extreme delicacy of their position, and to express an earnest hope that his right hon. and learned Friend the Recorder would be satisfied with having called attention to the subject and eliciting the expression of opinions he had done, and would trust to the effect the expression of those opinions might have, rather than to a formal vote of the House upon the subject.

MR. J. HOLMS admitted that that was a delicate subject to discuss, and said that its importance arose from the expressions of opinion in favour of the Loan of 1854 that were given by Lord Clarendon and M. Drouyn de Lhuys, although other loans seemed to have derived some support from the letter of Lord Russell that had been referred to. The Loan of 1854 was a large and important one, and that of 1862 partook much of the same quality. The letter of Lord Russell, alluded to by the right hon. Gentleman the Chancellor of the Exchequer, dated March 15, 1862, stated that if the Sultan's Commissioners succeeded in obtaining the loan, Her Majesty's Government, anxious for the well-being and prosperity of Turkey, would be prepared to send one or two gentlemen in whom they had confidence to assist the Turkish Minister in the due application of the proceeds of the loan to the extinction of the paper money, and the funding of the floating Debt. He stated that Her Majesty's Government would take an interest in the operation from feelings of friendship towards Turkey, and the contractors for the loan might see in such a mission further security against the misapplication of the loan and the loss of credit that would ensue. The effect of the letter was that the loan, which up till that time was in disfavour, was not only accepted by the public at large, but it was subscribed for five times over in consequence.

SIR H. DRUMMOND WOLFF said the guarantee by Lord Russell, in 1862, was entirely different from the recommendations of the Government as to the 1854 loan. That was a promise to send delegates to Turkey to see to the extinc-

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tion of paper money. That measure was carried out, and thereby the obligation of the English Government was entirely discharged. It was far otherwise in the case of the 1854 Loan. In 1854 it was impossible for Turkey to raise money unless she was backed up by England and France. The right hon. Gentleman the Chancellor of the Exchequer argued that it would have been much better if the English Government in 1854 had actually guaranteed the loan. He wished, however, to remind him that when in 1855 they did guarantee a Turkish loan, the proposal was only carried in that House by a majority of 2. This Loan of 1854 stood upon an entirely different footing from any of those to which the Chancellor of the Exchequer had referred, and in which the credulity of the English public might be said to have been manifested. It was not a loan brought forward by some semi-bankrupt State, with a prospectus to induce the public to lend money in the hopes of receiving an extravagant interest, but it was raised in a time of war, in which England and France were the allies of the borrowing Power; and the English public paid for the bonds a far higher price than they would have brought if the loan had been brought out without the recommendation of the English and French Ministers. He was sure that the Chancellor of the Exchequer must be fully alive to the necessity of the Government intervening in the matter, and it was his firm belief and hope that he would persuade his Colleagues to listen to what he conceived to be the unanswerable speech of the right hon. Gentleman the Member for Greenwich; so that they might recognize the duty of the Government in not leaving in the lurch those who had subscribed to this Loan upon the faith of the promises, explanations, and assurances given by Lord Clarendon.

SIR JOSEPH M'KENNA said, that the position of this Loan of 1854 was complicated by what afterwards occurred in 1855. Turkey obtained a new loan with an English and French Government guarantee in 1855, the security for which was the margin of the Egyptian tribute which had been already pledged to cover the Loan of 1854; but the proceeds of the tribute were not now applied to pay the first charge upon it, whilst nevertheless Turkey was at pre-

sent making good her obligations to England and France by the payment of the interest and instalments of the latter loan; and he would therefore appeal to the Chancellor of the Exchequer whether the matter was not further complicated by the neglect of Turkey to fulfil her obligations in regard to the prior loan of 1854?

LORD ESLINGTON said, that the Chancellor of the Exchequer had rather overlaid his speech with reservations and qualifications. The matter was, indeed, so clear, and the honour of this country was so unmistakably involved, that he should have liked to hear a little plainer language from the Treasury Bench. The right hon. Gentleman had led the House away from the real question by an elaborate argument of what would have happened if there had been an absolute guarantee of the Loan of 1854. But we did not guarantee that loan, and it was, therefore, of no use to calculate what would have happened if we had done so. We did guarantee the Loan of 1855, and it was the duty of the Government to take care that the Egyptian tribute money, which was partly a security for the Loan of 1855, and partly a security for the Loan of 1854, was punctually paid. The two questions were very much mixed up together, and the English taxpayer had a deep interest in knowing that Government were preparing to insist upon Turkey's fulfilling her obligations. They had nothing to do with other loans. He regretted that the hon. Member for Newcastle (Mr. Hamond) should have gone into other loans that had no connection with that under discussion. The hon. Gentleman had, in fact, tried to start a new hare.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

LORD ESLINGTON said, that he would not detain the House further than to say that he hoped that the attention of the Government would be directed to the matter, especially when it was seen what were the words which had been used by the Minister of the day when the loan was raised. They all knew the Egyptian tribute was specially appropriated for the payment of the interest of that particular loan, and if that was

not secured, all promises of the kind would be as worthless as the paper on which they were written.

MR. J. G. HUBBARD said, it was a curious feature of the question, that whereas those who were interested in the particular result of the Motion only held the position of creditors to the extent of between £1,000,000 and £2,000,000, there were other creditors to the extent of £196,000,000 who were wholly uninterested in it. What was the position of the creditors of the Loan of 1854, which entitled them so largely to the sympathy of the House? He believed from the first that those gentlemen had made a very good bargain, and that so far from their being in a position to lose anything they had in the 22 years during which the loan had been running, received both their capital and interest, if that interest had been calculated at the reasonable rate of  $3\frac{1}{4}$  or 4 per cent. He did not believe that they entered into the loan in consequence of the words used by Lord Clarendon, but from sympathy with Turkey when she became our ally. Lord Clarendon did no more than express his entire confidence in the good faith of the Turks; though it must be admitted that subsequently their conduct was inconsistent with honesty. The Turks therefore were not entitled to the confidence that had been expressed. Lord Clarendon's words could not in any sense be construed as a guarantee; and the rate at which the loan was raised plainly showed that they had not been so understood.

SIR HENRY JAMES said, his mind had been exercised as to how he should vote; but after listening to the debate he had come to the conclusion that the weight of argument seemed to be rather in favour of accepting the Motion of the right hon. and learned Gentleman (Mr. Russell Gurney). With regard to the question of interference on the part of the Government, if it were simply to be determined on general principles, he should say that it was not their duty to interfere for the protection of those subjects who had chosen to enter into incautious contracts with foreign creditors. The present, however, was an exceptional case, and if he might give advice to those who lent money to impecunious States, he should tell them to use their own discretion and to observe some plain rules for their guidance. One

of these was never, under any circumstances, to lend their money to a borrowing State unless the subjects of that Power were willing to lend their money to their own Government also. It should be remembered that in the case of this loan to the Turkish Government the hypothecation of territory for the payment of the interest was not an ordinary one. The Khedive became a party to the arrangement and the British Government approved of it. The sum of £280,000 a-year produced by the hypothecation did not form a part of the general resources of Turkey; it was to be applied to the payment of the interest on the Loan of 1854, and the Chancellor of the Exchequer could not look to that tribute to pay the Loan of 1855—that was to relieve the Government of their guarantee—and ignore the rights of the bondholders of 1854, who were in the position of first mortgagees. Assuming that Lord Clarendon pledged his word in this matter, we must keep that pledge, and it was not now a question of policy, but a question of honour; and all that the Government could be asked to do, was to use its moral influence in urging on the Turkish Government to keep the promise which they made, and which Her Majesty's Government ratified.

MR. SANDFORD approved the caution with which the right hon. Gentleman the Chancellor of the Exchequer had spoken on the subject, and expressed a hope that the right hon. and learned Recorder would rest satisfied with the discussion which he had elicited, and would not think it necessary to bring his Motion to a division.

MR. RUSSELL GURNEY said, he had been in considerable doubt during the right hon. Gentleman's (the Chancellor of the Exchequer's) speech what course he should take; but just at the close of his observations, he understood the right hon. Gentleman to say that the Government recognized their responsibility, that they were willing to communicate with the French Government, in order to consider what course should be taken, and to make use of their moral influence with the Turkish Government to make it fulfil its engagements. On that understanding he should withdraw the Motion.

THE CHANCELLOR OF THE EXCHEQUER said, he had not given utterance to all his right hon. and learned Friend

had represented, and in order to prevent any misunderstanding on the subject, he would repeat the observation he had made, which was that Her Majesty's Government were not insensible to the gravity of the responsibility that rested upon them in the matter, and that they would place themselves in communication with the French Government in reference to the course which should be pursued.

Amendment and Motion, by leave, *withdrawn*.

Committee *deferred till Monday next*.

#### BISHOPRIC OF TRURO BILL.—[BILL 185.]

(*Mr. Assheton Cross, Sir Henry Selwin-Ibbetson.*)

#### SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [4th July], "That the Bill be now read a second time."—(*Mr. Assheton Cross.*)

Question again proposed.

Debate *resumed*.

MR. DILLWYN resumed his speech in opposition to the second reading of the Bill. Last year they created one new Bishopric, and now they proposed to create another, and if 500,000 population was to be the condition on which new Bishoprics were to be created, he did not see where they were to stop. For his own part, he would much rather increase the number of working clergy. He felt bound to enter his protest against the proposal, his opinion being that it was not desirable to create an additional number of Bishops throughout the country. The Bishops were at present numerous, and it was not desirable to multiply them. The hon. Member concluded by moving the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this lay three months."—(*Mr. Dillwyn.*)

MR. ASSHETON CROSS hoped the opposition of the hon. Member would not be persisted in. His hon. Friend, he knew, averse to any increase of the Episcopate. The question was whether there was any necessity for an increase of the Episcopate. He would not

enter into that question now, because it had been fully discussed before that Session, and the general feeling was that an increase was desired. It was fully shown that the diocese of Exeter had grown too large to be worked by one Bishop, and that was why the Bill had been introduced. Further than that, the necessary funds were to be secured by voluntary subscription, one person guaranteeing no less than £1,200 a-year and the Bishop of Exeter giving £800 a-year during his life.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 75; Noes 23: Majority 52.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Monday next*.

#### ARDGLASS HARBOUR IMPROVEMENT (re-committed) BILL.—[BILL 200.]

(*Mr. William Henry Smith, Sir Michael Hicks-Beach.*)

#### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Deputy Speaker do now leave the Chair."—(*Mr. William Henry Smith.*)

GENERAL SIR GEORGE BALFOUR opposed going into Committee on the Bill, on the ground that past experience had shown that the harbour was not required as a harbour of refuge, or for any other purpose worth the money it was proposed to expend upon it. No one was more anxious than he was to have harbours formed along our exposed coasts, especially harbours of the description of Ardglass, intended for boats employed in the fisheries, but no course was more likely to delay the construction of such harbours than the attempts now made to re-construct the harbour of Ardglass. It was upwards of a third of a century since the works of Ardglass Harbour were swept away in one of the storms that prevailed on that coast, and the present date we were still wanting in that useful knowledge what was so much needed in order to guide our engineers in the formation of harbour works. His opposition to the proposed expenditure on this harbour merely

rested on the conviction that it would be wise for the Government, before risking the large sums which were needed to form the many harbours required for our coasting fisheries' trade, to acquire that information what might give a far greater prospect of successful results than the country had yet had for the millions which had been uselessly spent on the many harbours that had proved disastrous failures.

MR. W. H. SMITH said, that very great care had been taken to ascertain the sufficiency of grounds upon which the proposal was made. Ardglass Harbour had no doubt suffered from storms; but he believed it had suffered still more from the neglect of those who ought to have repaired it. The harbour was necessary for a refuge to the fishing vessels and the general trade of the country. The appropriation now asked for was a wise and good one, and would be beneficial to the fishing trade of the country.

MR. O'SHAUGHNESSY said, he did not concur in the view taken by the hon. and gallant Member for Kincardineshire (Sir George Balfour). He thought that the House was well entitled to take the proposal of the engineers, which was made after minute investigation, and advance the small sum of money asked for.

CAPTAIN NOLAN thought the harbour was necessary for the trade, and hoped the hon. and gallant Member would not press his opposition.

Question put, and *agreed to*.

Bill *considered* in Committee.

House *resumed*.

Bill *reported*; without Amendment, to be read the third time upon *Monday* next.

ERNE LOUGH AND RIVER (*re-committed*)  
BILL—[BILL 187.]

(*Mr. William Henry Smith, Sir Michael Hicks-Beach.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Deputy Speaker do now leave the Chair."—(*Mr. William Henry Smith.*)

GENERAL SIR GEORGE BALFOUR protested against the Bill on the same

*General Sir George Balfour*

grounds as he had already urged in regard to the Ardglass Harbour.

MR. DILLWYN moved the Adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Dilhoyne.*)

SIR MICHAEL HICKS - BEACH hoped the Motion would not be persisted in. The Bill was for the purpose of making a great arterial drainage in the North of Ireland, which could not be done without the aid proposed to be given.

CAPTAIN NOLAN thought the Bill ought to be allowed to pass.

MR. ANDERSON asked what proportion of the money was paid by the locality?

MR. W. H. SMITH said, that £15,000, which was half the cost of the navigation works, would be the subject of a Vote. The other half of the cost of the navigation works, and the whole of the drainage works, were to be a charge on the county and barony.

Question put.

The House *divided*:—Ayes 8; Noes 53: Majority 45.

Original Question put, and *agreed to*.

Bill *considered* in Committee, and *reported*, without Amendment; to be read the third time upon *Monday* next.

#### LEGAL PRACTITIONERS BILL

[BILL 43.]

(*Mr. Charley, Mr. William Gordon.*)

#### SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Charley.*)

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after One o'clock  
till *Monday* next.

USE OF LORDS,

Friday, 24th July, 1876.

[—SELECT COMMITTEE—Intemper-  
Lord Hartismere added.

Is — *First Reading* — Exhausted  
ends\* (186).

ing—Turnpike Acts Continuance\*

— Legal Practitioners (Ireland)\*

— *Report* — Queen Anne's Bounty\*

Bankers' Books Evidence\* (159);  
Scotland) Gas Supply\* (172).

st—Wild Fowl Preservation [39 &  
c. 29]; Settled Estates Act (1856)  
at [39 & 40 Vict. c. 30]; Customs  
Consolidation [39 & 40 Vict. c. 35];  
Laws Consolidation [39 & 40 Vict.  
Friendly Societies Act (1875) Amend-  
& 40 Vict. c. 32]; Public Works  
& 40 Vict. c. 31]; Trade Marks  
on Amendment [39 & 40 Vict.  
ver Fishing [39 & 40 Vict. c. 34];  
Lobster Fisheries (Norfolk) [39 &  
c. cli]; County of Peebles Justiciary  
Scotland) [39 & 40 Vict. c. clii];  
s Orders Confirmation (Bristol, &c.)  
Vict. c. cli]; Elementary Education  
d Orders Confirmation (Hailsham,  
40 Vict. c. cliii]; Elementary Edu-  
visional Order Confirmation (Horn-  
40 Vict. c. clii]; Provisional Orders  
Confirmation [39 & 40 Vict. c. cli];  
tan Commons (Barnes) [39 &  
c. clii]; General Police and Improve-  
mentland) Provisional Order Confirma-  
ey) [39 & 40 Vict. c. clii]; General  
d Improvement (Scotland) Provi-  
der Confirmation (Perth) [39 &  
c. clii]; Public Health (Scotland)  
d Order (Irvine and Dundonald)  
Vict. c. clii]; Elementary Education  
d Order Confirmation (Tolleshunt  
9 & 40 Vict. c. cli]; Local Govern-  
ment's Provisional Orders Confirmation  
n, &c.) [39 & 40 Vict. c. cli]; Pro-  
viders (Ireland) Confirmation (Cole-  
) [39 & 40 Vict. c. clii]; General  
d Improvement (Scotland) Provi-  
der (Lerwick) [39 & 40 Vict. c. clii].

—THE EASTERN QUESTION—  
THE PAPERS.

FRANVILLE said, the Blue  
aining the Correspondence on  
n Question had only been is-  
day, although their Lordships  
the advantage of reading a  
of its contents in *The Times*  
lay. Some references were  
the Blue Book to documents  
e found in that publication.  
very puzzling, and he trusted

the noble Earl the Secretary of State  
for Foreign Affairs would give some ex-  
planation on the subject.

THE EARL OF DERBY explained that  
he had originally intended to include in  
the general Correspondence the Papers  
relating to the Salonica Massacres; but,  
finding that the latter documents were  
already formed into a separate collec-  
tion, and in order to avoid delay, he re-  
solved to issue them in another volume.  
The references mentioned by the noble  
Earl were to these Papers, which would,  
he trusted, be in their Lordships' hands  
in the course of the next 24 hours.

IRISH CHURCH ACT, SECTION 25—IRISH  
NATIONAL MONUMENTS.—QUESTION.

LORD TALBOT DE MALAHIDE  
asked the Lord President of the Coun-  
cil, Why certain ancient buildings in  
Ireland are not made national monu-  
ments under the provisions of Section 25  
of the Irish Church Act, particularly as  
regarded the churches and round towers  
of Holy Island and Scattery Island on  
the Shannon, of Kilmacduagh, Clones,  
Pertagh, Killishin, Ullard, Tullow,  
Kilree, the ancient churches of the Isles  
of Arran, and many others? The noble  
Lord stated that there was in Ireland a  
very strong feeling in favour of the pre-  
servation of those monuments, in which  
he cordially participated.

THE LORD CHANCELLOR said, he  
had received a communication from the  
Irish Church Commissioners on the sub-  
ject of the noble Lord's Question. The  
section of the Irish Church Act to which  
he referred provided that any ruinous  
ecclesiastical building which it might  
appear to the Commissioners desirable  
to preserve as a national monument  
might be vested in the Board of Works  
in Ireland; and they had accordingly so  
handed over a number of ecclesiastical  
buildings to the Board of Works, to-  
gether with a sum of £22,554 to place  
those structures in a proper condition to  
resist the action of the weather and to  
preserve them from decay. The Com-  
missioners had applications made to  
them from every part of Ireland in  
favour of a great number of ruins the  
owners of which were desirous should be  
preserved at the public expense; but  
they thought it right, having regard to  
the large sum of money they had already  
given, that they should act with great



caution in taking upon themselves the preservation of other ruins. They added that any communications with respect to such ruins should receive their best consideration.

LORD TALBOT DE MALAHIDE explained that all that was wanted was that there should be sufficient expenditure to prevent the ruins from getting into a worse state—and particularly they wished to guard against anything like restoration.

THE LORD CHANCELLOR said, the Government had nothing to do with the matter, which rested entirely with the Irish Church Commissioners.

#### PARLIAMENTARY AGENCY—REPORT OF THE SELECT COMMITTEE.

Report of the Select Committee *considered* (according to Order).

LORD REDESDALE, in drawing attention to the Report of the Select Committee on Parliamentary Agency, said that the matter was one of considerable importance in connection with the Private Business of Parliament. It was most desirable to secure the proper performance of their duties by Parliamentary Agents, and to prevent the employment of persons who were not very competent to undertake those duties. The Committee which had been appointed recommended that there should be a recognized body of Parliamentary Agents. It was obvious that such Business could not be properly transacted unless it were undertaken by men properly acquainted with the course of Parliamentary Business; and there should be a due scale of fees, so that those who discharged the work should be properly remunerated. He moved that the Report of the Select Committee be received.

THE LORD CHANCELLOR said, he was not aware that the noble Lord the Chairman of Committees intended to move the reception of the Report, which had only been presented a week ago, and related to a matter of a most important character, and he did not think their Lordships ought to agree to it off-hand. It was proposed to create a class, an exclusive body, and that ought not to be done until after Notice and after grave and careful consideration. The Report provided that the fact that a per-

son was a solicitor or called to the Bar was not sufficient to qualify him for the duties of Parliamentary Agent; he must pass a special examination. He should like to know what the examination was to be about.

LORD REDESDALE: It would relate to Parliamentary practice.

THE LORD CHANCELLOR said, he wanted to know what was Parliamentary practice. He maintained that any person enrolled as a solicitor or called to the Bar was fit to practise as a Parliamentary Agent, and in a few weeks could obtain all the special knowledge that was necessary. He hoped his noble Friend would not press their Lordships to come to any decision that day—he thought it was a matter which might very well stand over.

LORD REDESDALE said, he should not press the Motion; but if anything was to be done, they had now but a short time to do it in.

Further consideration *adjourned to Friday next*.

#### NORTH AMERICA—EXTRADITION.

##### ADDRESS FOR CORRESPONDENCE.

EARL GRANVILLE, in calling attention to the Correspondence lately presented by Her Majesty's Government respecting Extradition, said:—The Secretary of State for Foreign Affairs, while asking me last week to postpone my Motion for a few days, seemed to agree that the subject of the Papers to which I am about to call your attention is one worthy of the notice of Parliament. By the difference between the Governments of this country and that of the United States as to the construction of the Treaty of 1842, a position of great inconvenience has been created for both countries. It is a position from which both countries must wish to extricate themselves, and I hope we shall learn this evening that by the delay asked for last week some progress has been made in that direction; but, in any case, I believe that Parliamentary discussion, and possibly Parliamentary action may be useful and requisite; and if it be carried on in the same moderation of tone, with some slight exceptions, as it appears to have been done by both parties in the Diplomatic Correspondence, no harm can be done. Though the subject of Extradition is one on which

*The Lord Chancellor*

ers on International Law have differently differed, yet as to the obligation rendering the fugitive criminals of doubly foreign countries, I believe that at which all civilized nations have agreed is this—First, that it is an act in itself; second, that it is an advantage to both countries; third, that a nation has a right to make this deal without a previous arrangement with the other; and fourthly, that in no ought persons to be so surrendered from one country to another merely for local offences. No country has been so strenuous in the assertion of the important principle than have Great Britain and the United States—it is a feature of their policy which has commanded remarkable attention. Two questions are involved in the Correspondence upon which I am about to comment—they are distinct questions, although they have been somewhat mixed. They have reference—first, to the objection by Her Majesty's Government to the existing Treaty—which I fear is now being treated as a dead letter; second, to the negotiations for a new Treaty. I will deal in the first instance with the second question; and with reference to it I am not aware that Her Majesty's Government are open to any criticism apart from the difficulties which have arisen out of the refusal to surrender Winslow, and the possibly unnecessary stereotyping of our position in our last despatch. The facts regarding the negotiation for a new Treaty are as follows:—In 1870, while France and the United States had each more than 50 treaties of Extradition with foreign countries, we had only three—namely, the United States, with France, and Denmark. This fact was due to a failure on our part—which I trust will never be abandoned or weakened—as to maintenance of the rights of asylum for political offenders. A Committee appointed in 1868 to consider how Extradition could be combined with maintenance of this right; and, based upon the recommendations of the Committee, a Bill was introduced, which passed in 1870. This Act extended the number of offences for which extradition might be made, facilitated the machinery for the purpose, and at the same time introduced new provisions for detaining a person from the danger of being tried for any political offence. I

succeeded to the Foreign Office after the passing of that Act, and it was my duty to circulate to our Representatives abroad a copy of the Act, and soon afterwards a model draft Treaty. The result was that I was able to conclude Treaties with Germany, Italy, Austria, Belgium, and Brazil, and other important countries—a list to which the noble Earl (the Earl of Carnarvon) has made useful additions. Negotiations on my part immediately began with the United States—with whom we had already a Treaty—for a new Treaty. A good deal of correspondence passed between the two countries on the subject, and at length, during the last month of my tenure of office, information came from Sir Edward Thornton that the difference had been reduced to one point—the objection of the United States to accept any authority but that of Her Majesty's Government to decide what constituted a political offence. This proposal appears to have been objected to by the present Government, as it had previously been by the late Government. But negotiations under the Act of 1870 have been continued up to the present time. I am bound to say that nothing could be more conciliatory than the spirit in which these negotiations have been conducted by our Foreign Office, and that it has been more consistent than the United States, Mr. Fish having withdrawn concessions which he had previously made. But I am sorry to say that as regards the execution of the Treaty Her Majesty's Government do not appear to me to stand so well, either as regards their law or their policy. It may be presumptuous in an unlearned person to criticize the law of the Government, with all the high professional assistance which they can command; but I am encouraged—first, by the points raised not appearing to be very abstruse; second, by the knowledge that very high legal authorities take my view; and, third, by the fact that the Government have in the Correspondence constantly changed their ground. The whole question arose out of the solicitors of a Mr. Lawrence having in July last year informed the Home Office that their client was about to be tried for a second offence in addition to his trial for the offence for which he had been surrendered. At the instance of the Home Office the noble Earl opposite, the Foreign Secretary, protested on the

grounds that such a course would be contrary to the 3rd section of the Extradition Act (1870), by which Act alone (Section 27) the American Treaty is kept alive; and contrary also to the law which governs the practice of the United States Government in Extradition cases as laid down in the Act of Congress, 1848, chap. 147, sec. 2, and contrary to the general practice of all countries. I believe that not one of these grounds is tenable. What has the Act of 1870 to do in an argument with a foreign country about a Treaty concluded 28 years earlier than the passing of that Act? It either agrees or disagrees with the Treaty. If it agrees, there is no need to refer to it. If it disagrees, in what position are we placed? During the French and German War, the Russian Emperor declared that he would no longer consider himself bound by a particular provision of the Treaty of 1856. But although France, Germany, Austria, and Italy, had previously intimated that Russia ought no longer to have this particular provision forced upon her, which was of a galling character, we indignantly and successfully resisted the assumption that the Emperor, by his own act, could free himself from this obligation. Supported by the unanimous voice of Europe, we obtained from His Majesty a distinct retraction, and a declaration that it was "an essential principle of the law of nations that no Power could liberate itself from the engagements of a Treaty, or modify the stipulations thereof, unless with the consent of the Contracting Powers by means of an amicable arrangement;" and in that declaration we ourselves unreservedly joined. After that solemn declaration how could we pretend that the Treaty of 1842 was affected by our Municipal Act of 1870? Fortunately, however, it is quite clear that it was the intention of the Legislature in 1870 to maintain inviolate the Treaty of 1842; and I could show that, in the opinion of the highest authorities—although the language of the 27th section might have been more precise—the Legislature were successful in their intention. But the question of the Act of 1870 as regards the United States is irrelevant, and has been admitted by the Government to be so in later parts of the Correspondence. As to the second point, I will refer later to the construction of the American Act of Congress. V"

*Earl Granville*

regard to the third point—as to the general practice of all nations—these Papers show that in America, in Canada, and in Great Britain the practice has been as the Americans state it to have been. As to European nations, I doubt whether any evidence which is exact is forthcoming; and it must be remembered that all our Treaties with European Powers excepting France date since 1870. It appears from the Papers that it was in August that the protest founded on the irrelevant grounds suggested by the Home Office was sent to the United States, and that in the following month, September, the Law Officers were consulted. The substance of their opinion is not given in the portion of the Foreign Office letter which is given to Parliament, and they are not again referred to—so I do not know what their advice may have been. In answer to our protest, the Government of the United States repudiated our claim, gave their view of our argument, but took proceedings to prevent a second trial of Lawrence, and gave us some assurances to that effect. These assurances, however, are not quite consistent with subsequent declarations of *non possumus* made by them. The Extradition of a certain Winslow was demanded by the United States Government, and refused by us, excepting on the condition that the United States Government would give an assurance that this person should not until he had been restored, or had an opportunity of returning to Her Majesty's dominions, be detained or tried in the United States for an offence committed prior to his surrender other than the Extradition crimes proved by the facts on which the surrender would be granted. The demand for this assurance was placed solely on what had passed in the case of Lawrence and the Act of 1870—that Act which I have already shown was irrelevant, and which ground Her Majesty's Government subsequently abandoned. The United States Government again reply on the 31st of March at great length, and with arguments which are not easy to meet. A rejoinder dated the 4th of May is sent by the noble Earl (the Earl of Derby) to Colonel Hoffman; and in this despatch a new line of argument is adopted—whether upon the reconsidered opinion of the Law Officers or based upon the opinion of a still higher authority I cannot say—but I incline to

the latter opinion; and if I am right I cannot help thinking that that high authority has in this and in some previous cases found himself in the same position as great consulting physicians are not unfrequently placed. The physician finds the patient ill; he is determined to save him. He thinks the treatment must be changed, but he also wishes to do nothing which may endanger the reputation of the family doctors. In this despatch of May 4 it is explained that the Act of 1870 imposed no new condition on the Treaty of 1842, and it is argued that the Treaty contains within itself provisions for which Her Majesty's Government contend, and it is for the first time distinctly stated that the provisions of the Act of 1870 have no force or effect in any foreign State. And, again, on the 7th of May the noble Earl (the Earl of Derby) tells Sir Edward Thornton that Her Majesty's Government do not rest their case on the Act of 1870, but on the general principles of extradition, the language of the statutes of both countries putting the Treaty of 1842 in force, and the care taken to specify in the Treaty the particular crimes for which extradition can be granted. The additional Papers which have been presented contain two more important documents on the execution of the Treaty of 1842—a very long despatch of Mr. Fish, giving the whole views of his Government; and a very able, but not, to my mind, convincing rejoinder from the noble Earl (the Earl of Derby). In this rejoinder the argument founded on the practice of all nations is omitted, and the Act of 1870 is only mentioned to be dropped. But the Foreign Office is again good enough to explain to the Government of the United States the construction of their own municipal law—the Act of Congress of 1848. Though a little rash, it may have been a natural thing to do at the outset of the controversy; but, after an answer had been received from the Government of the United States to the effect that not only the Government and their Law Officers, but also their Judges in Court take an exactly opposite view of the right construction of that Act, it does appear to be a strong and (I will not say ridiculous, but) an anomalous thing for us to continue to explain to them the meaning of their own laws. Then the cardinal question of the case is stated—

namely, that it is an essential principle of extradition as permitted or practised by this country that a person surrendered on an Extradition Treaty can be tried for the offence for which he is surrendered, and for no other offence previously committed; and this is the proper construction of the Treaty of 1842; that it is the meaning which was attached at the time, and which has since been continued to be attached by this country to that Treaty, and that it is the meaning which they had understood was attached to that Treaty by the Government of the United States. It is possibly from the want of legal acumen on my part, but I cannot find a trace of this condition in the Treaty of 1842. It is certainly not there in words; and if it was understood to be there, why was it not expressed in words? The Act of 1843 confirming that Treaty was warmly debated in this House and in the House of Commons. Mr. Macaulay and others expressed great alarm lest false charges should be made and false cases got up merely to get possession of a slave; Lord Aberdeen, the late Lord Derby, Sir Robert Peel, and the Attorney General repudiated the insinuation against the Government of the United States that they would lend themselves to getting up such a false case. But how comes it, if there was an understanding that a surrendered criminal was only to be tried for one offence, and could not be tried for any other, that none of them explained that this safeguard was in the Treaty, although it was not expressly stated. If the condition was in the Treaty, why did Sir Thomas Henry, in his evidence before the Committee of 1868, say that it was a provision in some Treaties and not in others? and why, I should like to know, if the provision was in the Treaty with the United States—in which Treaty it was not—should he recommend it to be expressly inserted in all future Treaties? and why was it necessary so to insert it in the Act of 1870? An ingenious argument is urged to show that the provision was so necessary to the Treaty that it must be in it. I do not see any great force in the point as to the surrender of criminals being limited to a specified number of offences—the chief object of that specification is to prevent a friendly Government having to put all its administrative and judicial machinery into

motion for any petty and trifling misdemeanour: but when that specification is accompanied by a provision that the crime for which extradition is demanded must not only bear the same name in both countries, but must constitute the offence called by that name in the country called upon to surrender, it may in some cases be a useful safeguard against proceedings for a political offence. But when you proceed to argue that the safeguard is incomplete without a provision that no fugitive criminal can be tried for a second offence, it may be a very fair and good argument in itself, as the Committee of 1868 and the Parliament of 1870 evidently thought. It may or may not be a conclusive argument for the future; but no one can pretend that it is such an axiom as could not have been disputed by the negotiators of 1842, who might have thought it a very great impediment to the administration of justice if the condition had been proposed to them—still less that from the mere fitness of things it must have necessarily been of the essence of a Treaty in which nothing is said about it. I see nothing to make me believe that this condition is in the Treaty of 1842. Her Majesty's Government state what has been their understanding, and what they believe to have been the understanding of the Treaty of 1842, and what they believe to have been the understanding, of the United States. The United States Government declare exactly the reverse as being their understanding, and what they believe to have been our understanding. Here we have assertion against assertion. What proofs does either side bring forth? Sir Thomas Henry is the first in these papers to make the assertion that has been adopted by Her Majesty's Government. It is hardly consistent with what he stated to the Committee in 1848, and he brought forward no proof whatever in support of his belief. It remains, therefore, simply an expression of his belief—a statement which no one who knew Sir Thomas Henry could for a moment doubt; but yet only a statement of his own belief. What other evidence does the noble Earl (the Earl of Derby) adduce? A statement made 10 years ago by himself as Secretary of State for Foreign Affairs, and one made on the same occasion by the

noble Lord now on the Woolsack as Attorney General. These statements were *obiter dicta* during a debate when the two noble Lords were arguing against a provision being introduced which the noble and learned Lord said added a new term to the Treaty of 1842. The statement of the noble Lord—then Lord Stanley—though not quite so clear as he usually makes them, is perfectly consistent with the theory he now holds. The Attorney General's statement is not inconsistent with that theory; but, at the same time, it is also not inconsistent with the opposite theory to which I will presently allude. The words are—

“We should certainly have a well-founded complaint against any country that demanded a man to be given up for one offence, and then proceeded to try and punish him for another.”—[3 *Hansard*, clxxxiv. 2122.]

This is not inconsistent with the view of the noble Earl nor with my own. I also hold that we should have ground of complaint if a foreign country, on receiving a man extradited for one offence, instead of trying him for that offence, should substitute another, or should proceed to try and punish him for that. The difference between us is this—while I believe we should have a right to complain of this proceeding, I contend that under this particular Treaty we should have no right to complain if another country, having *bond fide* tried the man for the offence on which he was surrendered, should then proceed to try him for a second offence; and the words of the Attorney General do not necessarily go further than this. But be that as it may, there remains no proof on the side of the Government excepting these two sentences uttered in the heat of a debate. What proofs are alleged on the other side? First the *dicta* of text writers. Such *dicta* are always quoted on international controversies, and I should therefore have thought had some weight. But as they are summarily disposed of in the despatch of Lord Derby as of trifling importance, I will not trouble your Lordships with the quotations, which you can find in Mr. Fish's argument. But there is another witness entirely in their favour whom the United States quote, who is treated with as little reverence as the text writers. It is the noble Lord behind me, who, as Mr. Hammond, was 50 years in the Foreign Office, and who

during half the time the Treaty lasted was the head of the permanent staff of the Foreign Office. He is one who knows all the traditions of the Foreign Office, good, bad, and indifferent—absolutely by heart, and who was lately so gracefully alluded to by Lord Derby as his teacher in foreign affairs. If Mr. Hammond had merely stated his own opinion on the construction which had been accepted by the Foreign Office as to a particular Treaty, I can imagine no stronger witness in Great Britain; but Mr. Hammond expressly stated in his evidence before the Committee of 1868 that his opinion was in accordance with that of the Law Officers. There is another witness, Mr. Mullens, an eminent solicitor, who has been more engaged in extradition cases than anyone. He not only gave his opinion as to the understanding of the Treaty by this country in the opposite sense to the present contention of the Government, but he mentioned a case—that of the Heilbronn, who was tried for a second offence after having been tried for the offence for which he was surrendered—a case concerning which the Government can only answer that they were ignorant of it, and were not concerned in the case. To sum up the evidence given before the Committee of 1868. There were six witnesses. Of these Sir Thomas Henry, Mr. Hammond, and Mr. Mullens gave the opinions that I have quoted, and not one of the other three witnesses gave an opposite opinion. What other evidence is there in favour of the United States Government? As to the understanding which existed in both countries, they have the decisions of Courts in the States, and the cases of persons actually tried for a second offence. There are also the decisions of the Courts of the Dominion of Canada in the same sense—and from what I hear the Government of the Dominion are much concerned, and entirely repudiate the position which Her Majesty's Government have taken. But what appears in the last batch of Papers which have just been presented? Those Papers show three things. In the first place, they show that 11 years ago Mr. Seward informed our Government of the construction which the United States then put on the Treaty, which is diametrically opposite to that now held here, and which disposes of the assertion of the

contrary understanding on the part of the Government of the United States. Secondly, they point to the case of Burley before the Act of 1870, on which the Foreign Secretary, Lord Russell, gave his opinion in communication with the Colonial Secretary, Lord Cardwell, and upon advice of the Law Officers—who I believe were the late Lord Chancellor, who is sitting behind me, and the present Master of the Rolls—that it would be a breach of faith to substitute another offence for that for which Burley was surrendered; but that if Burley were *bond fide* tried for the first offence it would be difficult under the Treaty to question the right of the Government to try him for any other offence, whether such offence was or was not a ground of extradition, or even without the Treaty. Does the Burley case prove that the present contention has always been maintained by the Government of the United States and by Her Majesty's Government? In my opinion it proves diametrically the reverse. Well, what does the Caldwell case prove? The Caldwell case is summed up in the following letter:—

“Downing Street, May 16, 1871.

“My Lord,—I have the honour to acknowledge the receipt of your Lordship's despatch of the 20th of February relating to the case of Richard Caldwell, who was surrendered to the United States Government under the Extradition Treaty on the charges of forgery and uttering forged paper, and who is alleged to have been subjected to legal proceedings in the United States for an offence against the laws of that country for which he was not surrendered, and for which he was not liable to surrender under that Treaty. I have been in communication with the Secretary of State for Foreign Affairs as to this case, and the opinion of the Law Officers of the Crown has been taken upon it. Her Majesty's Government are advised that this is not a case in which they would be justified in claiming the surrender of the petitioner from the United States Government. The obligation of Great Britain under the Convention of 1842 is qualified by no other condition than that evidence of a definite kind shall be forthcoming of the fugitive having committed one of the crimes enumerated in the Convention. It appears that such evidence was produced to the satisfaction of the Canadian authorities, and the petitioner was therefore surrendered to the United States Government. It further appears from the decision of the Judge of the Circuit Court of the Southern District of New York, upon the demurrer of the petitioner, that he has been duly indicted for the offence by reason of which he was surrendered, and it seems that he is to be tried for it. Her Majesty's Government are further advised that there is nothing in the Convention which would preclude the

indictment of the petitioner in the United States for an additional offence which is not enumerated in the Convention, so long as such proceedings are not substituted for proceedings against him on the charge by reason of which he was surrendered. The original inclosures which accompanied your despatch are herewith returned in compliance with your request.

"I have, &c.,

(Signed)

"KIMBERLEY."

—[C. 1529, p. 6.]

Unless I have committed some great blunder, it appears to me that I have shown that the different legal positions which have been taken by Her Majesty's Government in this matter are not unassailable. It appears to me that the Papers themselves demonstrate that it is absolutely the reverse of the fact that Her Majesty's Government have always maintained the doctrine which it has been attempted to hold by Her Majesty's present Government. I presume that my noble Friend will hasten to assure the House—if he has not already given that assurance to the United States—that this last declaration was made *per incuriam*, and I believe that any such declarations would pave the way to more easy negotiations for a future Treaty. I do not know whether he will attempt to defend the conflicting assertions as to law which he has been advised to make. But he has one complete answer as regards the Foreign Office—it is in no sense a legal Department. Until this month there has never been a professional lawyer in the Office, and I am not quite sure that the introduction of the legal element into the Office may not be productive of more embarrassment than advantage. Whenever a legal question has arisen, the Foreign Office has been advised by the highest authorities on it—in the case of extraditions the Foreign Office has always acted Ministerially for the Home Office; and therefore if the noble Earl defends the Foreign Office on the grounds that the legal opinions have been taken from others, although it does not clear the Government at large, the answer is complete as respects the Foreign Office. But how about the policy, for which the Foreign Office is clearly responsible? Would it not have been better to delay protesting till the occasion arose, and thus postpone till it was necessary that which committed us, and obliged the United States to commit themselves—and this more especially as there was

not the slightest chance as regards this particular Treaty of danger to the principle of affording an asylum to political offenders? This was the course Mr. Seward took 11 years ago, when, assenting up to a certain point to Lord Russell's doctrine, but going beyond it, he said with good sense—"But this is an abstraction, and I will not deal with what does not arise." But what was the view of Lord Derby? The following letter in reference to the case of Charles L. Lawrence was written in November last by his instructions:—

"I am directed by the Earl of Derby to transmit to you, for the information of Mr. Cross, a further despatch, which was received on the 16th instant from Her Majesty's Minister at Washington, from which it appears that the United States Attorney General has instructed the United States District Attorney at New York to the effect that the trial of Lawrence is to be proceeded with on the charge of forgery, for which his extradition was granted, and that if he should be acquitted of that charge the District Attorney is to await further instructions. Under these circumstances Lord Derby would suggest, for Mr. Cross's consideration, whether it would not be advisable that any representation to the United States Government on this subject, should be, in any case, postponed until after the trial of Lawrence for the extradition crime for which he was surrendered, and that any instructions to Sir E. Thornton should be framed accordingly. His Lordship's reasons for this suggestion are that, in the event of Lawrence being convicted of this crime, and not being indicted for any other offence, no representation to the United States Government would be necessary, and that in the event of his being acquitted of the extradition crime, and then indicted for other offences, the opportunity for making a representation to the United States Government would be a more fitting one than at present. In the latter case, also, Her Majesty's Government would be acting with a full knowledge of the course which the United States Government intends to pursue, and would therefore be in a better position to protest, if necessary, than they are at present, as it still appears doubtful whether Lawrence is to be tried for offences other than the extradition crime for which he was surrendered."—[C. 1482, No. 54.]

No opinion could be more judicious, and I am perfectly convinced that if this judicious advice had been adopted we should have heard no more of the question, and we should have avoided all the irritating circumstances which now make the negotiation for a new Treaty so difficult. On the other hand, it must be admitted that if this opinion had prevailed we should now be deprived of the society of three American citizens whose surrender has been demanded

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but not granted, and who will remain with us for the remainder of their lives or until they shall have been detected in murdering, robbing, or cheating in this country. But the Home Office would not hear of this; they were in such a hurry that their only rejoinder was a direction not only to send off a protest, but to send that protest by telegraph, and they only forwarded their reasons at a subsequent period. Mr. Disraeli announced to the Commons the other day that the Home Secretary is the Chief Secretary of State. He is no such thing. The Secretaries of State are of equal rank, taking formal precedence according to the date of the creation of their respective offices. But in this case the Home Office appears to have assumed some such authority, for not only does it overrule the Foreign Office in a matter which belonged to the latter, but a little later we find the Home Office scolding the Foreign Office for not having made its points with sufficient clearness. The one fault for which I think the Foreign Office is responsible was yielding to the Home Office on a matter on which the latter—perhaps naturally enough—only took the one-sided view. But, whoever is to blame, this question of Extradition has come to a dead-lock. I believe the Treaty has not been put an end to; but it remains a dead-letter. It is clear that neither Government will ask for or grant the surrender of any criminal under it. I hear already of cases where criminals have openly boasted of their safety. We have already this year secured for ourselves the society of three persons against whom very grave charges have been made. The late Lord Derby told the House of Commons that an Extradition Treaty was of much greater importance to us than the United States—especially with regard to Canada. I do not care to enter into the proportionate share of inconvenience which each country—the commercial communities above all—will have to bear, but we must not conceal from ourselves that the evil is not to be measured by the number of Extradition cases which have occurred. It is rather to be gauged by the amount of crime which will be augmented by the increased chances of impunity to the criminal. In these circumstances I trust that the Government will see their way to some mode of extricating ourselves and the United States from this diffi-

culty. Is there no hope that the delay which was asked for last week may result in our being told this evening that the United States are conceding the differences that still exist as to the terms of a new Treaty? The difference which remained when the late Government went out of office was so small that some arrangement ought to be arrived at on it. The Act of 1870 was a good Act, and has produced much good; but can any one say that it had attained the perfection of human wisdom on this matter? It is certainly the opinion of many competent persons that it could be made more elastic as regards the Extradition of ordinary criminals, without in the least degree affecting the right of asylum to political offenders. The two countries have hitherto been prominent in the discharge of the sacred duty of maintaining that right. During the 30 years that the Treaty has existed—although civil war and Fenian disturbances have arisen, neither Government ever dreamed under any pretence of asking for the surrender of political offenders. There is another suggestion which I venture to throw out—it was proposed eight years ago that instead of Treaties we should have a law applicable to the demands of all countries for the Extradition of criminals, without troubling ourselves whether the other countries responded or not. It was considered at the time, and it was decided, that it was better to proceed by Treaties under a general law. But times are now changed. We have Treaties with nearly all the principal countries in the world, except Russia and the United States. If we passed such a law, being of a reasonable character, and somewhat more elastic than the present, it is almost certain that the United States would avail themselves of it, and would, as has already been suggested to them in America, pass a law on their side. It is for the interests of both countries to obtain their own fugitive criminals, and it is not in their interest to monopolize the possession of the fugitive scoundrels of other countries. I should prefer a new Treaty cordially agreed to; but I throw out this suggestion in case Her Majesty's Government find difficulties arising in negotiation for a Treaty, which would not occur in separate legislation. But whatever the course may be which Her Majesty's Government think fit to pur-



sue, this House will agree with me in the conviction that the Government will not be satisfied with having written a smart argumentative despatch to conclude the discussion; but will apply themselves heartily to the work of changing a state of things which Sir Robert Peel eloquently denounced more than a quarter of a century ago as a public disgrace—namely, that two such countries as Great Britain and the United States should each consent to remain a refuge for the criminals of the other.

THE EARL OF DERBY: My Lords, before I go into the main question which the noble Earl (Earl Granville) has raised, I may be allowed to refer to the request I was reluctantly compelled to make on last Friday night for a postponement of this discussion until to-day. I had up to the present time hoped to be able to make a statement this evening material to the actual condition of the facts. I was entitled to entertain that opinion from a communication made to me from a quarter which I could not doubt. Since Friday, however, I have received no communication on the subject, and I am not at present in a position to make any such statement to the House as I had hoped to do. My only justification, therefore, for asking for delay on Friday last is that I did not ask it for my own convenience, or in the interest of the Government, but for the interest of both countries. The question which the noble Earl has raised has been so long and so often before the public that all the facts and the arguments on both sides, embodied in the Correspondence lately laid before the House, are presumably familiar to your Lordships and to all who have cared to acquaint themselves with the subject. I propose, therefore, in explaining the course which the Government has taken, to confine myself as nearly as possible to a general statement of the principles on which we have acted. Putting it briefly, the controversy between the American Government and ours is this: We take different views of what is meant by Extradition and of the construction which is to be placed on the Treaty between the two countries. The American contention is that when the forms prescribed by Treaty have been gone through, and when Extradition has once been effected, the person so extradited is for all purposes in the hands of the Government

which has received him, although he may have been acquitted of the charge on which the Extradition was granted—although in the original demand for his surrender no mention was made of any other imputed offence—and even although the offence for which he is put on his trial a second time may be one not included in the list of Extradition crimes. They argue, in short, that, once in their hands, and having been tried for the Extradition offence, he remains in their hands for all other purposes. We, on the other side, contend that a person who has taken refuge in England and has been surrendered after certain legal proceedings for the purpose of being tried on a specific charge, is only lent, so to speak, to the Government which claims him for the purposes of that trial; and if upon the charge so brought he is not found guilty, then we say he is entitled to his freedom and cannot be claimed again, except after a repetition of the preliminary inquiry which is necessary before Extradition is granted—which, of course, implies that he must have an opportunity of returning to England. These are the two opposite views which are represented in the Correspondence, and which each side has endeavoured to support by argument. The American Case seems to rest mainly on this—that the Treaty contains no express stipulation on the subject—that it simply provides a method by which the accused person shall be surrendered to the Government claiming him; and that, in the absence of anything said to the contrary, the Government or the Courts of Law, once legally in possession of the man, are personally entitled to deal with him, subject to restraint except that which is imposed by its own laws. The Americans further argue that on certain occasions the right which they claim has been exercised—no objection made, and that it has been exercised in England, by English Courts as well as in the United States. I admit that the Treaty contains no stipulation on the subject—the case, as we conceive, not having been provided for by those who framed it. But, on that part of the case, our answer is that the right which they claim is contrary to the general spirit and intention of the Treaty; contrary to what has always been understood as the practice; contrary, also, to the principles laid down both by the British Parliament

and the American Congress. We contend that the Government surrendering an accused person does so only after having satisfied itself by means of a judicial inquiry that there is a reasonable *prima facie* case which justifies the putting him on his trial for an offence named within the Treaty—just as no man can be tried here without first being committed by a magistrate, or, in some cases, without a true bill being found against him. It is also necessary that it should be shown to the satisfaction of the magistrate so committing the person for Extradition that the offence of which he is charged is included among Extradition offences and is not political in its character. Now, we say that both these safeguards are absolutely done away with if it is understood that a man extradited for one offence can be tried for another without a fresh extradition being made. A man is charged, say, with forgery. Extradition is granted. He is tried in America, and acquitted. It is clear that if all the facts which came out on the trial had been known to the committing magistrate he would not have been extradited at all on that charge. What right, then, has the State, which has only got hold of him as presumably guilty of that offence, to deal with him on another charge in a way that they could not have done if he had not been in the first instance unjustly accused? They are, in such a case as I have supposed—I use the phrase in a legal and not in a moral sense—taking advantage of their own wrong. They have already subjected him to a forced deportation across the Atlantic and to the inconvenience of a trial which has ended in his acquittal, and they then take advantage of having him in their possession—which, as the facts have turned out, they never ought to have had—to try him for something else as to which, if he had remained in England, it is quite possible that extradition would never have been granted. If we admit, as we must, that the Treaty is silent on the subject—that it includes no express words to meet this class of cases—it seems to me that we are fairly entitled to contend that this is not a proceeding contemplated when the Treaty was framed or reconcilable with its general spirit. The Treaty says—“Before a man is surrendered to take his trial there must be a preliminary inquiry in the country which gives him up.”

The American construction of the Treaty says—“He is entitled to such preliminary inquiry in regard to the first offence for which we put him on his trial, but for any other offences, however many or of whatever kind, there need be no preliminary inquiry whatever.” Now, that is just the one position which seems to me at least logically untenable. You may argue for the necessity of preliminary inquiry in all cases; you may argue on the other hand that such investigations are an unnecessary form, because if you trust the Government to which you surrender the man, you may be assured, without such inquiry, that they will try him fairly, and if you do not trust the Government to deal fairly, you should not surrender him at all. Either of these alternatives, I think, is fairly defensible; but it is not consistent with either theory to say—“We will give the accused the security of a previous inquiry in regard to the first offence for which he is tried, but we will not give it him in regard to any other charge subsequently brought against him.” But as regards the intention of our Government and Parliament we are not left to mere abstract reasoning or inference. We know by the Act of 1870 what was and is the mind of the Legislature on the question of principle involved. The Act of 1870 provides that no surrendered fugitive shall be tried in the country which has demanded his extradition for any offence other than the extradition crime proved by the facts on which the surrender is grounded. Words cannot be plainer. Now, I do not quote that Act, as I have been understood to do in America, as having a retrospective effect on Treaties previously concluded. I fully admit that there is a proviso which, though obscurely worded, seems to except, and no doubt was meant to except, the case of Treaties actually in force. I have a right to say that it is obscurely worded, for three Judges who endeavoured to construe it expressed doubt as to its meaning. It could not, in fact, be otherwise; because if the provisions of the Treaty of 1842 had been retrospectively affected by the Act of 1870, it would have been a matter of necessity either to alter the Treaty or to modify the Act. But I do quote the Act as showing what is the principle which Parliament has laid down, and also as showing that that principle was not con-

sidered inconsistent with the Treaty. If it had been so considered, does anybody suppose that the two would have been allowed to remain side by side? We could not maintain—the Government of the day never surely intended to maintain—in a question affecting the administration of justice, one rule for countries which had made Treaties with us before 1870 and another for those that had not. If, therefore, we left the Act of 1870 to stand side by side with the Treaty of 1842, it could only have been because we did not think them inconsistent in principle the one with the other. But I do not rest on that alone. In the English Act of 1843, passed immediately after the conclusion of the Treaty, the Secretary of State is authorized to order the delivery of the person committed to an officer who is “to convey such person to the territories of the United States to be tried for the crime of which such person shall be so accused.” And not only that, but the United States Legislature adopted almost identical language. The Act of Congress of 1848 follows the very words of ours, and says that the accused person who is extradited from America shall be delivered up to be tried for the crime of which such person shall be so accused. Now, without wishing to lay too much stress on a phrase, that seems to me very nearly equivalent to saying that he is not to be tried for any other crime except that of which he is so accused. The words are not required, and, indeed, have hardly a meaning, if you put any other construction upon them. The noble Earl (Earl Granville) says—“The United States do not put that sense upon it, and you are very bold if you question their construction of their own statute.” But it is written in English, it is following the words of the English Act, and surely an Englishman may venture to construe plain words in his own language? Sir Thomas Henry advised that in a new Treaty, words should be inserted to make the meaning plainer, and the noble Earl wants to know why he did so if they were plain already? But surely there is nothing inconsistent in saying that certain things are laid down in a Treaty, but that it would be desirable that they should be more clearly expressed. It is contended, however, that it is no longer open to us to maintain the construction of the Treaty for which we argue, because we ourselves

have on various occasions accepted a different interpretation. Now, I do not want to go into more detail than I can help, but I will take these various cases one by one. There is the case of Halbronn. He was surrendered by the United States on a charge of forgery, and tried in a British Court for that offence. He was acquitted of forgery, but convicted of larceny. He never appealed against the conviction, nor did the United States take the matter up; and, as a matter of fact, there is no reason to suppose that the circumstances of the conviction were even known to the Government here. It cannot be said, therefore, that in this case there was any admission on our part. The Court was not able to take into consideration the question of Treaty, and it does not appear to have been ever before the Court. The question, in fact, was never decided, because it was never argued or raised. The case of Bouvier was a case which arose under the Extradition Treaty with France. In that case again no action was taken or required to be taken by the Government, the French law making it impossible that the man should be tried for any offence except that on which he was extradited. The only noticeable point in this case is that the Attorney General for the time being, in the year 1872—that is in a Government of which the noble Earl opposite was a Member—is reported in the newspapers of the day to have said that—

“It was the law of France, and of every civilized country, that a man given up for an extradition offence should not be tried except for the offence for which he was given up. For this Government to give a man up otherwise would be a most serious infringement of the right of asylum.”

We have never laid down the principle more strongly. I do not see how it is to be reconciled with the language held in the Canadian cases—but that is not my business. The Canadian cases are six in number. In two of them the prisoners had been surrendered by the United States, and were tried in Canada; and the Courts seem to have held that being in custody they were liable to be tried for any offence which the facts might support. In two others, application was made by the United States for the surrender by Canada of prisoners who had taken refuge there, and the Canadian

Courts held that they were not justified, by the mere fact that the new Act of 1870 did not secure these against trial for any other offence, in refusing to give them up. That is not a decision on any other point except the wording of the Act of 1870. It does not bear, as far as I can see, on the question of Treaty construction at all. In all these four cases, if I am right, there is absolutely nothing to show that the Home Government was consulted at all; and I need not say that the decision of a Canadian Court of Justice cannot bind the Government here, which probably knew nothing of the matter. The two remaining cases were those of Burley and Caldwell. Burley was surrendered by the Canadian Government to the United States on a charge of robbery. It was represented to the British Government that there was an intention of trying him on a charge of piracy, which had not been mentioned in the demand for his Extradition. Upon that the Law Officers were consulted; they reported, no doubt, in a sense partially favourable to the present American construction of the Treaty. But they advised that it was our right to protest against any attempt to change the ground of accusation. A protest was made accordingly; and led to a reply from Mr. Seward which is so important that I wish to quote it at length—

"Mr. Seward to Mr. Burnley.

"Department of State, Washington,

"March 20, 1865.

"Sir,—I recur to your note of the 15th of March, which relates to P. G. Burley. The honourable the Attorney General informs me that it is his purpose to bring the offender to trial in the Courts of the States of Ohio and Michigan for the crimes committed by him against the municipal laws of those States—namely, robbery and assault, with intent to commit murder. He was delivered up by the Canadian authorities upon a requisition which was based upon charges of those crimes, and also upon a charge of piracy, which is triable not by State Courts, but by the Courts of the United States. I am not prepared to admit the principle claimed in the Protest of Her Majesty's Government that the offender could not legally be tried for the crime of piracy under the circumstances of the case. Nevertheless, the question raised upon it has become an abstraction, as it is at present the purpose of the Government to bring him to trial for the crimes against municipal law only.

"I have, &c.,

[C. 1523. No. 6.]

"W. H. SEWARD."

Mr. Seward, therefore, was under the impression—though I believe it proved to be a mistake—that piracy was among the charges on which Burley was surrendered. It does not seem that the Protest was renewed, and our official knowledge of the facts ends here. Mr. Fish in his recent Note says that he was tried for assault with intent to kill; but that is a fact of which, till this Correspondence, we had no information. The case of Caldwell is generally similar. He was surrendered by the Canadian Government on a charge of forgery. He was subsequently indicted in the United States for bribing a Custom-house officer, as well as for the forgery. He pleaded that the Court ought not to take cognizance of the offence; the Court overruled the plea on the ground that it was one for the Governments concerned to entertain, but which could not be dealt with by a Court of Law. He therefore appealed to the Canadian Government. The matter was referred home, and the Law Officers advised that the case was not one in which Her Majesty's Government would be justified in claiming his surrender. He had at that time not been tried for the Extradition offence; and it was intended to put him on his trial for that offence. The decision not to interfere in the matter was communicated to the Governor of Canada; and there the case ended so far as we are concerned. Now, I am not about to deny that these two cases show clearly enough that the view of our international duty taken by the then Law Officers is different from that which we have been advised to adopt. But I deny altogether that that difference of views disposes of our case. I speak with the highest respect of the Legal Advisers of the Governments of 1864 and of 1870, but they would not claim that their opinion could bind their Successors. And observe this—that though they do not advise that in certain cases a claim should be pressed—though they express doubt whether it ought to be pressed—yet in no part of this Correspondence has the claim ever been abandoned. We have never said to the American Government that we thought it one which could not be justly advanced. We have simply forborne to press it in certain cases. And it is possible and conceivable that other motives may have operated besides those of a judicial or administrative character. I

can quite understand that, considering the state of things that existed between England and America, both in 1864 and 1870, reasons of a political character may have indisposed the then Governments to press any demand on the United States as to which in their minds any doubt may have existed, or as to which there was a moral certainty that they would not be acceded to. I am not attacking what they did; but I contend that to waive a right on one occasion, or on two, is not to abandon it; that the opinions of the Law Officers of one Government, however deserving of respect, are not international documents; and that as between the United States and England nothing has passed which amounts to an abandonment of the claim which we put forward in this Correspondence. I now come to the question which I have heard raised, and which has been raised by the noble Earl this evening—whether, even admitting our construction of the Treaty to be defensible, we have asserted it in the right way. It is argued that we ought to have waited until some actual violation of the Treaty, as we construe it, had occurred, and that we had no right to call on the United States Government to abandon their construction of it—that we ought, in short, to have taken no action unless some person surrendered by us was actually put on his trial a second time. My answer is, that is shutting the door after the steed is stolen. The question is not one of law, but of reason and common sense. When it is evident that an engagement is understood by the two parties to it in a different sense, the sooner that difference is cleared up the better. What would happen if we took the course suggested? Why, that the United States Government would, sooner or later, act on their presumed right, as they had given us notice that they would do; that we should dispute the legality of their action, and that we should be obliged by our expressed opinion to demand that a prisoner actually in their hands should be given back. That is a demand with which in their view of the case they could not honourably comply—and there you have a diplomatic complication ready made, and which it would be impossible to determine without the defeat, if not the humiliation, of one or the other party. Is it not better that we should deal with

it while it remains an abstract question? I do not think it a wise or prudent policy to incur an inevitable and serious risk in the future in order to secure a respite from trouble at the moment. I hear it said, again, that the risk run by conceding the question at issue is trifling; that the inconvenience of passing it by is great, and that we had better have settled the matter anyhow than have left it open. My Lords, I cannot admit that, as English Ministers, we are justified in treating as immaterial a principle on which Parliament, six years ago, laid so much stress as to embody it in express terms in an Act of Parliament, passed after much inquiry and debate. Parliament might release us from the obligation which it has imposed, but we cannot release ourselves. And this principle is not unimportant. It really involves the whole question of political asylum. I have no wish to talk clap-trap about the right of asylum, but we know how strongly the question has taken possession of the public mind in this country. Now, take such a case as this—a French refugee, mixed up in the affairs of the Commune, is asked for by his own Government, *bond fide*, on a charge of a non-political character. He is surrendered, he is tried, and acquitted or condemned, as the case may be. But while in the hands of the French authorities on that charge, they discover that this is the man they have been looking for on account of political disturbances, and after his acquittal they proceed to try him for that. Would not that be a case which, however worthless the person might be, would excite strong feeling in England? And yet what security have you that such a case might not occur if you abandon the principle that the extradited person ought to be free to return after trial on the extradition charge? It is said, I know, that we are discussing the question only with the United States, and that there is no fear of any question of the kind arising with the United States, because their feeling in such matters is the same as ours. To that I have a double answer. In the first place, I do not think that, looking at it as a matter of business—I do not think that it is wise to rest upon the supposed good disposition of other Powers as a sufficient substitute for those guarantees which you consider necessary as private prisoners.

*The Earl of Derby*

We do not do our ordinary business as private persons in that way; we do not suppose everybody is going to cheat us, but when we pay money we generally take a receipt. There is another consideration. We have again and again said that the intention of the American Government is not sufficient, for the separate States may act independently of the Federal Government. It might, therefore, very well happen that, whatever the wishes of the Executive might be, they would have no power to prevent the man from being tried. Besides, we are not laying down a principle that is to govern our arrangements with the United States merely, but with all civilized countries in the old and the new world, and it would be a very invidious distinction to say you would have one law to govern your relations with America and another to govern your relations with other Powers. You are bound to consider, not only what is likely to happen in reference to America, France, or Germany, but in any one of those countries with which we have Treaties of this kind. Such is in brief our case. I will not take your Lordships through the argument in detail, as it is set out in the published Correspondence. But I may remind you of one fact—that there have been negotiations going on for a new Treaty, which extended over a considerable time. In the draft of that new Treaty we proposed an Article embodying the principle for which we are now contending, and the Government of the United States, so far from objecting, accepted the Article, and did more: they proposed to strengthen it by words which should make the meaning clearer and more precise. The failure to conclude a new Treaty turned on an altogether different point; but upon this point the Governments were absolutely at one. It is no doubt one thing to say this or that should be put in a Treaty; another to say it is there already; but I think the fact I have stated is evidence that there is nothing in principle unreasonable in the view we have taken, and also—what is quite as important—it shows that there is no such difference between the two countries as should prevent the negotiation of a new Treaty. The noble Earl concluded his address by an appeal to me that we should do what we can to put an end to the inconvenience that must arise out of this transaction. With

the concluding sentences of the noble Earl's speech I entirely concur. Nobody is insensible on either side the water to the inconvenience that would be caused by an even temporary suspension of extradition. Whether the inconvenience will be greater to us than to the United States it is no use disputing. The two countries have absolutely the same interests, and the differences are not of a kind to be very difficult of arrangement. We shall at once renew the negotiation formerly interrupted; it will be an advantage to all parties, for everybody admits that the old Treaty is imperfect and unsatisfactory, and what I think we ought to aim at is the establishment, if it is likely that the negotiations will last some time, of what diplomatists call a *modus vivendi*—a provisional arrangement which shall prevent rascals from benefiting by the falling out of honest men. I do not think it is a disadvantage that this question should have arisen. There is an ambiguity in many respects in our Extradition Treaty with the United States, and there are many reasons for superseding it by a new one, and we shall do all in our power to see that that is done.

THE EARL OF KIMBERLEY said, that as to the right of asylum there could be no dispute as to maintaining our protection to political offenders who might find their way to our shores—the only question was what would be most efficacious for that purpose? He quite agreed with the observations of the noble Earl on the duty of the Government to maintain the right of asylum; but the point in question was not whether the right of asylum should be maintained, but whether the particular mode in which the Government had dealt with the question was the right one. The argument was, that if our Government surrendered a criminal for a particular offence it was not open to a foreign Government to take advantage of its own wrong and try him for another. But it seemed to him that our duty was to refuse to deliver up any offender who, there was reason to believe, would be put on his trial for a political offence; but in the case of a person being surrendered for one crime, not political, and being tried for another of a similar kind he did not think we had any right to interfere. If a man had committed an offence why should we interfere to protect him against punishment? All

that was required was that we should take care that a person delivered up should not be tried for a political offence—and, as to all other cases, that he should be *primâ facie* an offender. The noble Earl seemed to lay down the proposition that the Government of the United States ought to conform their interpretation of the Treaty of 1842 to the Statute of 1870. But so far as the Treaty was concerned the Statute might be put aside—for a municipal Statute could have no effect on a Treaty between nations contracted 18 years before—it could neither modify terms already embraced in the Treaty nor introduce new conditions. It was the common interest of all civilized people that crime should be punished, and it did not seem to him to be our duty to scrutinize narrowly the criminal law of foreign countries: all we had to do was to guard against criminals being tried for political offences in addition to the crimes for which they were surrendered. The Treaty itself was the only document which could properly be taken into consideration in forming an opinion on the subject. Now, in the Treaty the sole condition laid down for the surrender of a criminal was that there should be sufficient *primâ facie* evidence shown to put him on his trial, and if any other condition was intended to apply the absence of all mention of it was incomprehensible. Surely the natural presumption in this case was that no condition other than that laid down in the Treaty was intended to take effect. But if the view of the case taken by the noble Earl the Foreign Secretary was correct, the result would be that in every case in which there was a plurality of charges against a fugitive from justice who might take refuge in this country, that the country claiming his extradition would be put to the trouble and expense of bringing over to this country all the witnesses to establish a *primâ facie* case against him on each charge; else, if acquitted or not brought to trial on one charge, he would escape from them all; and he could not see what possible interest we could have in securing him that immunity. The United States Government very justly remarked that the view taken by our Government had not always been adopted in England. Indeed, he did not understand how the noble Earl opposite, in view of the cases before him, could have asserted, as he

did in one of his despatches, that one of the essential principles of extradition, as invariably practised in this country, was that an extradited person could only be tried for the crime on which he was surrendered. The fact was that two previous Governments had taken a different view, and in making the statement which he did the noble Earl certainly gave an advantage to the American Government. He (the Earl of Kimberley) could not help thinking that the error of the Foreign Secretary was due to the great haste with which the matter was considered—only two days having elapsed from the time the subject was brought under the notice of the noble Earl till he committed himself to the view, taken without sufficient inquiry, as it appeared, by the Home Secretary. The Law Officers were not consulted till a later date, and it was rather a singular fact that their views were never referred to in the Correspondence; and he inferred from that that their view was not quite in accordance with that taken by the Home Office. He regretted the haste with which the noble Earl had taken action in the matter. In his last despatch the Foreign Secretary maintained that the claim to interpret the Treaty in a particular manner amounted to a breach of contract; he could not understand how a contract could be broken until some act was done by one of the parties in violation of its conditions, and he was inclined to think that if the noble Earl the Foreign Secretary had waited until he saw what the issue would be, neither Lawrence nor Winslow would have really been tried for any other offence than the one on which they had been surrendered. And considering that the Treaty had been executed without difficulty for a period exceeding 30 years, that there was no actual breach of the Treaty, and looking to the disposition which the United States Government had shown not to press their view to the utmost, he believed that the noble Earl might, with a little more patience and forbearance, have saved the Treaty from the abrupt termination at which it had, unfortunately, arrived.

EARL GREY said, he could not help thinking that in this discussion the importance of what was called the right of political asylum had been exaggerated in a manner which was likely to lead to dangerous consequences. He admitted

that it was not fit that this country should give up to the vengeance of a tyrannical Government men who had risked their lives to obtain liberty for their country; and no doubt we should be utterly disgraced if we surrendered men who had stood out against such a Government as that of the late King of Naples, or against such an act as the partition of Poland. But he thought it was a mistake to push so far as there seemed now to be a disposition to do, the principle that we were bound in all cases to take care that persons who had been guilty of political offences should enjoy a secure asylum in this country. He held that the attempt to disturb by force a settled Government which performed, though perhaps imperfectly, the duty of all Governments in maintaining peace and order, was a crime which, unless provoked by extreme oppression, was not only legally and technically, but morally, one of the greatest that men could commit. Looking at the enormous amount of evil which arose from civil war, he said that those who acted in that way were not entitled to the sympathy of mankind. Therefore, he thought it was a great mistake to say that because there was some possible danger that in some very unlikely case a man might be punished for what was in itself an offence—namely, resistance to a settled Government—in consequence of measures adopted to protect society against ordinary criminals, they were to neglect to make the arrangements with other countries which were absolutely necessary for the prevention of crime. The perils to society and to the maintenance of order would be very great if they were to push to the extreme, which had been recommended from both sides of the House, the claim to political asylum at the risk of preventing the surrender of ordinary criminals. They should take care how they established a state of things which would offer enormous inducements to men either in England or in America, who might think there was an opportunity, by some great crime, of realizing a large sum of money and then going to the other side of the Atlantic, to enjoy their spoil in peace. He found from the Correspondence that the Secretary of State contended that no man should be tried in the country to which he was surrendered except for the one offence on which his

surrender had been demanded. He believed that the American Government were perfectly right in saying that there was no provision of that kind in the Treaty of 1842, and that in the absence of any such provision we had no right now to introduce that rule. But independently of this conclusive objection, as he thought it, to the course of the Government in this matter, he thought it was also objectionable on other grounds. Was it desirable, when they surrendered a man who was *bond fide* accused of one particular offence, that he should not be tried, convicted, or punished for any other offence which in the course of the proceedings it might come out that he had committed? He said that that was contrary to the common interests of all civilized society. A remarkable case lately occurred which proved the inconvenience of such a rule. A number of men were tried in this country for a most atrocious crime on board the *Lennis*. Some of them were convicted, and were most properly hanged; but with respect to the others, the evidence given on the trial was insufficient to convict them of murder, but clearly proved they had been accessories after the fact, and because this was not one of the crimes for which offenders could be given up by our Extradition Treaty with France, they entirely escaped from punishment. The inconvenient consequences which must follow from adopting the view of Her Majesty's Government were shown by the circumstances of the case which had led to this discussion. Winslow had been charged with having committed 14 or 15 distinct acts of forgery; but witnesses had been sent to this country from the United States in support of one charge only, as needless expense and trouble would have been incurred in sending more. In the event of his being surrendered he ought, in the view of Her Majesty's Government, only to be tried upon that one single charge; and therefore if, through the breaking down of the evidence, or some technicality of the law, he succeeded in escaping from conviction upon that one charge, the United States Government would be precluded from trying him upon any of the other charges, and the end might be that a notorious criminal might get off altogether. Such a result would not, in his opinion, be



for the advantage of the civilized world. The subject seemed to him to have been dealt with upon a wrong principle—that of an undue anxiety for the security of political offenders. He did not mean to say that in any case persons charged with political crimes ought to be given up to be tried for them. Although he considered—as he had already said—that the attempt to overthrow by violence a settled and even tolerably good government was a very heinous crime, he quite agreed that it was not one for which a man charged with it ought to be surrendered if he had taken refuge in that country. But it was quite a different matter to contend that, having been guilty of sedition or rebellion, they ought to protect a man from being given up to be tried for murder or for forgery. This seemed to him to be pushing the principle of protecting offenders to an absurdity. By doing this we were now left practically without any system of extradition between this country and the United States, and taking into consideration the close relation that existed between the two nations, and especially the position towards each other of the United States and Canada, the evil that would result from this immunity of fugitive criminals would be enormous. He was, therefore, of opinion that the Government had made a very unfortunate mistake in the course they had taken. He must add that he thought the mistake aggravated by an excuse offered for what had been done. It was with much regret that he heard the noble Earl opposite say that our action on this subject must be largely influenced by a feeling of sympathy for political offenders. If the people of this country were unduly influenced by that feeling it was the duty of the statesmen and the leading men in both Houses of Parliament to endeavour to set them right on the point, and to show them that it was not for the sake of maintaining the freedom of political offenders, on behalf of whom, too often, an undue amount of sympathy was excited, that we should run the risk of allowing ordinary criminals to escape a just punishment. There was another and a very important point on which he wished to make an observation. He had observed with great regret that the Papers on this subject which had been laid before Parliament afforded an ad-

ditional example of a mistaken system which had grown up of late years, under which the differences of opinion entertained by the various Departments were exposed to the whole world. It appeared to him that that practice was calculated to break down and destroy the authority of Government, which was one and undivided in responsibility, and it was highly undesirable that where a difference of opinion existed its existence should be exposed to the knowledge of the world. The former, and, as he conceived, the proper, rule had been to consider the Government, as a whole, responsible for every measure of all the departments of which it was composed, and therefore not to publish discussions between these departments as to what was to be done. It had always been the practice, when the course to be pursued on any subject had been settled, to embody the result in a letter from one Department to another; but it was quite a new practice within a few years, and a most unfortunate one, to include in the Papers laid before Parliament the preliminary correspondence between the Departments by which the result was arrived at. The inconvenience of the practice had been illustrated in the present case, where the United States Minister had been able to quote the opinion of one Department against that of another.

LORD HAMMOND: My Lords, I should not have troubled your Lordships with any observations on the present occasion, if the evidence which I gave before the Committee of the House of Commons in 1868 had not been so much alluded to in the Correspondence presented to your Lordships' House. I, of course, was not a Member of that Committee; but I was in constant communication respecting it with my much esteemed and lamented Colleague, Mr. Edward Egerton, who, as Parliamentary Under Secretary of State, represented the Foreign Office on the Committee.

The object for which that Committee was appointed was not to modify or set aside existing Treaties of Extradition, but rather to devise means for negotiating and concluding other similar Treaties which should not be subject to discussion and objection in Parliament, such as had proved fatal to the Treaties concluded with France in 1852 and with

Prussia in 1864; and it was suggested to the Committee that the precedent of the Seamen Deserters Act might be followed, which defines the condition and the process—namely, an Order in Council, by which such deserters might be returned to their ships; and that accordingly an Act of Parliament should be passed, setting forth the terms on which this country would grant Extradition, and that then Foreign Powers should be invited to accede to its conditions, whereupon an Order in Council would be issued, bringing the Act into operation as regarded the acceding Power without further reference to Parliament.

The attention of the Committee was specially directed to two points—one, that political offenders should not be surrendered; the other, that ordinary criminals should be exempted from being tried for any other than the offence for which they might have been given up.

Six witnesses were examined by that Committee—M. Treitte, an eminent French lawyer, whose evidence bore on the law and practice of France in regard to Extradition; Mr. Farrer, the present Secretary of the Board of Trade, whose evidence was mainly, if not entirely, directed to the working of the Merchant Seamen Deserters Act; Sir Thomas Henry, late Chief Magistrate of Bow Street; Sir Henry Holland, the then legal adviser of the Colonial Office; Mr. Mullens, an eminent solicitor, fully conversant with the practice in cases of Extradition; and the Permanent Under Secretary of State for Foreign Affairs who has now the honour of addressing your Lordships.

As regards the Extradition of political offenders, there was no difference of opinion between the witnesses. They all agreed that it was a thing not to be thought of, as being repugnant to the general feeling of all nations; and it may not be amiss to cite a passage in the Message of the President of the United States in recommending to the Senate to adopt the Treaty of 1842, in which he says—

“The object has been to exclude all political offences or criminal charges arising from wars or intestine commotions; treason, or misprision of treason, libels, desertions from military service, and other offences of similar character are excluded.”

As regards the exemption of ordinary criminals from trial for offences other

than those for which the Extradition might have been granted, there was no very material difference of opinion between the witnesses. They all agreed that it was a thing to be provided against; but two of them—Mr. Mullens, speaking from his own experience, and myself, speaking on the authority of the Law Officers of the Crown in Burley's case—expressed a decided opinion that provided an extradited criminal was *bond fide* tried for the crime for which he was given up, there was nothing in Treaty or in practice to prevent his being afterwards tried for any other offence. This proviso is consistent with the English Act of 1843, and the American Act of 1848. I do not think that either Sir Thomas Henry or Sir Henry Holland dissented from this opinion, though they objected to the practice, in which objection the other two witnesses concurred.

I confess I was surprised at no allusion having been made except in the American portion of the Correspondence to the fact stated by me that the opinion which I gave rested on the opinion of the Law Officers of the Crown.

The Committee reported their opinion that provision should be made on this point; and this was done by the 2nd clause of the 3rd section of the Act of Parliament of 1870; but the Committee did not recommend that this provision should be applied to existing Treaties, and as if to guard against any supposition to the contrary, a clause was inserted in the 27th section of the Act, saving from its operation anything in existing Treaties inconsistent with it.

I cannot understand how it can be contended that an Act of Parliament which neutralized the effect of an existing Treaty is not inconsistent with it.

But Her Majesty's Government say that independently of the Act of 1870 there was a generally-received understanding on the subject such as that for which they contended. It is singular that no allusion was made to this understanding during the interval that elapsed between 1842 and 1875. The American Government distinctly deny the existence of any such understanding; which, indeed, could not be operative as against the United States, where the several States of the Union are only bound to respect Treaties sanctioned by the Senate and thereupon promulgated by the President; and I am bound to say that I

never heard of its existence, which I could not have failed to do if it had been appealed to, and been resisted, as it would have been then as now, by the United States, in which case it must necessarily have come before me.

But with Lord Russell's despatch of 1865, referring to the opinion of the Law Officers in the Burley case, with my opinion in the same case given on their authority in 1868 before the Committee of the House of Commons, and with Lord Kimberley's despatch of 1871 in the Caldwell case before them, and with the fact that no reference was made to it before the Committee of 1868, I am wholly at a loss to conceive how Her Majesty's Government can contend, as they do, for the existence of an understanding inconsistent with the precise terms of the Treaty of 1842. I would, moreover, observe, that under the 7th Article of the Treaty concluded with France, on the 28th of May, 1852, and signed by Lord Malmesbury and Count Walewski, but which Parliament did not sanction, a person might be proceeded against not only for the crime for which he was specifically given up, but also for any other Extradition crime described in the Convention.

I must beg your Lordships' attention to the mischievous tendency of such a contention as that an Act of Parliament can set aside a Treaty of long standing, which had been sanctioned at the time of its conclusion by a previous Act, and acted upon accordingly. This is not a Party question, my Lords, to be dealt with on Party grounds. It is one in which we are all equally concerned, for it involves the interest and honour of the country. If, as is contended, Parliament, as the supreme legislative authority in the country, can set aside a Treaty, how can we dispute the right of the legislative authority of another country, whether exercised through a Chamber, or existing in the Chief Magistrate of the country, to do the same? and, if so, what security is there for the maintenance of Treaty engagements between States?

We all remember the indignation with which a few years ago a pretension to set aside a provision of the Treaty of 1856, by one of the Powers parties to that Treaty, was received; and we all remember the solemn Protocol of January, 1871, by which such a pretension was

repudiated by all the great Powers of Europe.

As matters now stand, there is practically no arrangement in force for the Extradition of criminals between this country and the United States. This may not be attended with much inconvenience as regards England and the United States, the countries not being conterminous; but the case is different as regards the Dominion of Canada, and it may be hoped that some means may be found by which an arrangement can be arrived at.

If without offence I might offer a suggestion, I would say that under existing circumstances Her Majesty's Government would do well at once to denounce the 10th Article of the Ashburton Treaty, which they are enabled to do by the 11th Article of the same Treaty, [if the United States' Government have not already denounced it. It is hopeless to attempt to build up a new Treaty on the ruins of the old one. If in course of time both parties should feel the inconvenience of being without an Extradition Treaty, it may happen that the Government of the United States may be induced to look more favourably on the Act of 1870. They seem already disposed to accept, though in a somewhat modified shape, the condition of the 2nd clause of the 3rd section of that Act; and if they should waive that modification, a Treaty might be concluded without the necessity of having recourse to a fresh Act of Parliament bring it into operation. The other details of such a Treaty would probably cause little difficulty; as though they might not be so extended as the Act would allow, they might not go beyond the limits of the Act; and so the Treaty might be brought into operation Order in Council without further reference to Parliament.

I have to apologize for having occupied so much of your Lordships' time. My excuse must be the interest that we naturally feel in all matters that bear upon the relations of this country with foreign Powers, and the anxiety which I no less naturally feel lest any impression of remissness in regard to such matters should attach to an Office with which it has been my pride and my happiness for so many years to be connected, and whose especial duty it is to watch over the Treaty engagements of the

*Lord Hammond*

British Crown, and to see that they are scrupulously observed not only by foreign Powers, but also by ourselves.

LORD COLERIDGE said, he entirely concurred in opinion with the noble Earl who raised this discussion (Earl Granville). When the case of Caldwell occurred, his right hon. and learned Friend Sir Robert Collier was Attorney General, and he himself was Solicitor General. He then held the opinion—which he still entertained—that there was no ground for the view which had been maintained by the noble Earl the Secretary of State for Foreign Affairs. It happened, too, that the proceedings in the French case which had been referred to (Bouvet) were taken under the advice of himself, as Attorney General, his learned Friend the present Master of the Rolls being then his Colleague as Solicitor General. They were both of opinion that the view brought forward to-night by the noble Earl near him (Earl Granville) was the true view which this country ought to maintain on the subject now under discussion. He and his learned Friend had in other cases also to advise on their own responsibility the Executive Government of that day, and as to the true meaning of the Treaty of 1842 and the Act of 1870, and it never entered their minds that the Treaty or the Act bore the narrow construction now put upon it by the Government. Whether the opinions held by him and his learned Friend were right or wrong, others of course must determine, but at all events those opinions were not taken up lightly or for any political motive. He had always been of opinion that the Act of 1870 could not in any fair construction be considered to have any bearing on Treaties which under statutes previously passed themselves claimed the force of law. Indeed, his argument in the French case was that the French Treaty was in no way affected by the Act of 1870. The Treaty with France was the same, for the purposes of this discussion, as the Treaty with the United States. It was couched, as far as this matter was concerned, in substantially the same language, and it wanted the provision, the absence of which gave rise to the present debate. The argument he adduced before the Court of Queen's Bench was that we were not only justified but bound to surrender to the French Government the person to be tried with-

out any special arrangement in the particular case that he should not be tried for any offence except that for which he was extradited. The majority of the Judges of the Court of Queen's Bench assented to the correctness of that argument. The only dissentient—if indeed he could be called a dissentient—was Mr. Justice Blackburn, who, however, did not doubt the intention of the Legislature, although he thought it had not been expressed with sufficient precision in the Act of 1870. His contention was that the Court of Queen's Bench had distinctly expressed its opinion that the Act of 1870 could not have any retrospective effect on the Treaty of 1842. It was clear that if we attempted to enforce upon somebody else a provision not contained in the contract we should be endeavouring to enforce something that was inconsistent with it. The argument that we had always acted on the understanding that the person delivered up should be tried only for the offence for which he was extradited, and that this understanding had been imported as an arrangement into all the Treaties made prior to the Act of 1870, appeared to him to be equally without foundation. In the first place, he denied that we had in all cases maintained and acted upon such an understanding. The contention of the Government amounted to this—that a breach of the most technical rules in the construction of a Treaty which ought to have the largest and most free construction between two great nations might make extradition in any case utterly useless. Take, for example, the case of Lawrence, who was said to be guilty of a long course of wholesale fraud. How, he should like to know, could all those charges be dealt with in a foreign country? There was a case now pending in our Courts in which there were 145 different counts, each constituting a separate offence; and was it to be supposed that every one of those could be carefully gone into on the other side of the Channel with endless trouble and at enormous expense, or that a criminal should go scot free for the fear the sacred right of asylum should be violated? He would not, at that hour, enter into the distinction which had been taken by Mr. Fish and the answer of the noble Earl opposite as to the meaning of the section of the Act of 1870. He would content himself simply

had been laid before the country; and also to the fact that authentic reports had been laid before Parliament of deputations which waited upon the Government on the Barbadoes question; and that he should then answer the reflections of the right hon. Gentleman.

#### SLAVE TRADE IN THE RED SEA.

##### QUESTIONS.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether, in view of the development of the Slave Trade in the Red Sea, and the impediments thrown in the way of British trade and navigation by local officials interested in that traffic, Her Majesty's Government are prepared to revive the Consulate at Massowah and to establish Consular agencies at other Red Sea ports?

MR. BOURKE: Sir, the establishment of Consular agencies in the Red Sea ports is one of the measures in contemplation by Her Majesty's Government when an arrangement has been arrived at with the Turkish and Egyptian Governments for the suppression of the Slave Trade in the Red Sea. A draft Convention for carrying out that object is now under the consideration of Her Majesty's Government, and until that Convention has been signed, it would be premature to appoint Consular officers in the Red Sea for the suppression of the Slave Trade.

SIR H. DRUMMOND WOLFF asked the First Lord of the Admiralty, Whether instructions are given to any of Her Majesty's vessels to visit the slave ports in the Red Sea and report on the Slave Trade; if so, whether such reports can be laid upon the Table; and, if not, whether instructions can be given to Officers in command of Her Majesty's vessels to make such visits and reports?

MR. HUNT, in reply, said, that at the commencement of the year, at the instance of the Foreign Office, instructions were given to some of the smaller ships of war, whether outward or homeward bound, to call at the Red Sea ports, if prevailing winds and other circumstances would permit; but up to the present no Reports of such visits had been received.

*Mr. E. Jenkins*

#### THE JUDICATURE ACTS—ISSUES OF FACT IN CHANCERY.—QUESTIONS.

MR. OSBORNE MORGAN (for Sir HENRY JACKSON) asked Mr. Attorney General, Whether his attention has been called to the case of "*Cave v. Mackenzie*," in which Mr. Baron Huddleston, at the Chelmsford assizes, refused to try an issue of fact directed to be tried there by the Master of the Rolls, and in which the Court of Appeal has determined that they cannot decide between the conflicting views of the Master of the Rolls and Mr. Baron Huddleston on the jurisdiction and obligation to try such issues; and, whether the Government are willing to remove the difficulty by legislation?

MR. MARTEN asked Mr. Attorney General, Whether his attention has been called to the observations of the Lord Chief Justice of England on Friday last in reference to the proposed trial at the Cambridge Assizes this week of an issue directed by the Master of the Rolls in the case of "*The Local Board of Bishop Stortford v. Street and Another*," and whether he is prepared to recommend any alteration of the law to prevent the difficulty which has arisen?

THE ATTORNEY GENERAL: Sir, my attention has been called to the case referred to in the first Question. I imagine, however, there has been some misconception, or some degree of misapprehension, with respect to it. It appears to me, from statements which I have received, that Baron Huddleston did decline to try the issues directed to be tried so much because he considered them under the Judicature Acts and the Rules made in pursuance of them, the Master of the Rolls had no power to direct that the trial should take place at Chelmsford, though he may have entertained some doubt on this subject, but because, owing to the state of business at the Assizes, it was absolutely impossible to dispose of the issues alluded to without interfering most unduly with other causes standing for trial, and legitimately belonging to the Essex cause list. In reply to the second Question, I have observed quite recently—I think on Friday last—the Lord Chief Justice announced his intention of trying certain issues directed by the Chancery Division of the High Court to be tried at the Assizes, if the state of business would admit of this course being pursued without injustice

to other suitors. I think there is no necessity for any further legislation upon the matter. If any difficulty or inconvenience arises in consequence of causes being sent to the Assizes for trial, such difficulty and inconvenience may be obviated by rules to be framed by the Judges under the powers they already possess.

JUDICATURE ACT, 1873—THE OFFICIAL REFEREES—FEES.—QUESTION.

QUESTION.

MR. GREGORY asked Mr. Attorney General, Whether he has made inquiry into the charge thrown upon suitors appearing before the Official Referees, and whether it is proposed to modify or discontinue such charge?

THE ATTORNEY GENERAL: Sir, I have made inquiry into the matter referred to, and I find that suitors are charged a fee for the hearing of their causes before the Official Referees, proportioned to the length of such hearing. I think there has been as yet too slight an experience of the working of the system to say whether a modification of the practice should be introduced or not.

ARMY—MOBILIZATION—THE WEXFORD MILITIA.—QUESTION.

MR. O'CLERY asked the Secretary of State for War, Whether it is true, as reported in the local journals, that the Wexford County Militia arrived at the Salisbury Railway Station on the afternoon of Thursday, July 13, in a very exhausted condition, having been put for some time on short rations in consequence of the breakdown of the machinery in the vessel by which they were conveyed from Ireland to England; whether it is true that on their arrival at the Salisbury Station they were provided with no food or other refreshment, but were at once marched in their exhausted condition to the Camp at Horn- ingdon Down, a distance of three miles; whether they were not so much distressed that many of them had to fall out of the ranks through fatigue; whether it is not also true that the same regiment marched at four o'clock next morning to be reviewed by the Com-

mander in Chief at Stapleford Down, a distance of more than 10 miles; whether having suffered great fatigue, they did not return to the Camp at eight o'clock in the evening in a very distressed condition, having been for sixteen hours under arms; whether, if these facts are correct, the Secretary of State for War approves of a regiment being subjected to this treatment; and, whether he will cause an inquiry to be made on the subject?

MR. GATHORNE HARDY, in reply, said, he had endeavoured, as far as possible, to obtain full information in order to answer the Question, and he had received replies by telegraph, which were, perhaps, not as complete as they would have been had he waited for a letter. It was true that the Militia regiment referred to arrived at Salisbury Station on the afternoon of the 13th inst., but not in an exhausted condition. They had not been on short rations, and the machinery did not break down, though they had had a bad passage and many were too sick to eat. Their rations had been drawn in the morning on board ship for the whole day, and some of them had eaten the whole ration at once. They, of course, were obliged to march to their camp, which was not more than three miles. Nothing was said about any having fallen out, and he presumed that statement was not correct, as no answer was given to the question. In order to avoid the great heat of the day, the regiment marched at half past 4 o'clock next day, having had a good breakfast. The distance was nine miles, and the men marched without packs. It was an excessively hot day, and some did fall out. On the day of the review their dinner was cooked and eaten on the review ground; so it is to be presumed they had some hours rest. Before starting the men had their full rations with coffee, and they seem to have had plenty of food, as General Ingall reports that after the men of this regiment had dined he went round and found quantities of food thrown away. These were the answers to the Question; and he was anxious that the regiments should be treated fairly. This regiment seemed to have had good rations; but the sea was a little rougher than they were accustomed to; and he dared say they found their rations not exactly suited to the state of their stomachs.

POST OFFICE—THE WEST INDIA HOME  
MAILS.—QUESTION.

MR. MUNTZ asked the Postmaster General, Whether his attention has been called to the fact that during the present year the West India Home Mails have arrived too late for reply by the outgoing Mail four times; and, whether any steps could be taken to obviate such inconvenience?

LORD JOHN MANNERS, in reply, said, it was true that the mails had been late four times that year, but penalties were not applicable, for in no case was the Company to blame, as the delay had always arisen from causes beyond their control. Every means would be taken to prevent such inconveniences in future.

## METROPOLITAN POLICE—HELMETS.

## QUESTION.

SIR EARDLEY WILMOT asked the Secretary of State for the Home Department, If some arrangement could not be made whereby the police in the metropolitan and rural districts could be provided with a lighter covering for the head during the summer months than the present heavy helmet, which fits closely, and is consequently very oppressive to the men, especially where they have to walk a considerable distance to their beats?

MR. ASSHETON CROSS, in reply, said, that some of the corps of the Metropolitan Police had already been provided with a lighter head dress, with light steel hoops, than the one hitherto in use, and that it was intended to extend this change to the rest of the Metropolitan Police; but the Home Office had nothing to do with the matter as affecting the county and borough police.

NAVY—THE MEDITERRANEAN  
SQUADRON.—QUESTION.

SIR CHARLES W. DILKE asked the First Lord of the Admiralty, Whether the Fleet now at Besika Bay consists of the ordinary Mediterranean squadron, or whether it has been reinforced by vessels sent from home and from other stations?

MR. HUNT, in reply, said, the Mediterranean squadron had been re-

inforced by ships from the Channel Squadron and from the Reserve and Home force.

TURKEY—THE SALONICA MURDERS—  
THE CORRESPONDENCE.

## QUESTION.

MR. CHILDERS asked, Why No. 4 of the Papers on the Eastern question was not among those which had been circulated that morning, although it was several times referred to in those Papers?

MR. BOURKE, in reply, said, that the reason Paper No. 4 had not been presented along with the others was that it had not been found possible to prepare it sooner, and his noble Friend the Secretary for Foreign Affairs was anxious that there should be no delay in laying the other Papers relating to Turkish affairs before the House. He believed that Paper No. 4, which related to the Salonica Outrage, would be presented to-morrow or next day. He assured the right hon. Gentleman that no public servants could have worked harder than had the officials of the Foreign Office during the last three weeks in the preparation of these documents.

## Subsequently—

MR. DISRAELI: With reference to the Question of the right hon. Gentleman the Member for Pontefract, I beg to state that I have received a note from my noble Friend the Secretary of State for Foreign Affairs, informing me that the Salonica Papers will be laid on the Table to-day.

MR. MITCHELL HENRY said, that in the Turkish Papers, Part 3, there were nine despatches from Lord Derby to the Ambassador at Constantinople, extending over a period of three months—that was, from the end of January to the 10th of May. On the 10th of May the Fleet was telegraphed for by the Ambassador, and he wished to ask the Prime Minister, Whether those nine despatches were the whole of the despatches which passed between the Secretary of State for Foreign Affairs and the Ambassador at Constantinople during those three months, or whether there were others which had not been produced?

MR. DISRAELI: Sir, the nine despatches referred to by the hon. Gentle-

man are not the only ones which passed between the Secretary of State and the Ambassador during the interval of three months that he mentions. So far as I can ascertain, the number is about 200, beside the nine; but those despatches did not refer to the matters respecting which the Papers are now laid before Parliament. With regard to the Fleet in Besika Bay, in the new Papers which are to be laid on the Table to-day relating to the murders at Salonica, there will be despatches which have some reference to the sending of the ships to Besika Bay.

**THE MARQUESS OF HARTINGTON:** I should like to ask the right hon. Gentleman whether he is in a position to state what day he proposes to fix for the discussion of the Papers which have just been presented? They have only been, as the right hon. Gentleman is aware, in the hands of the House a very short time; but so far as I am able to express an opinion from a cursory perusal, it will not be necessary for me or any of my hon. Friends to ask the hon. Member for Portsmouth to forego the precedence to which he is entitled in consequence of his having given Notice of his intention to discuss the question. I shall presume, however, that it is the intention of the right hon. Gentleman to afford the hon. Member for Portsmouth, or any other hon. Member, an early opportunity of discussing the Papers, and I wish to know whether he is now able to fix a day for that discussion?

**MR. DISRAELI:** The Government have no wish but to consider the convenience of the House in this matter. Until I heard from the noble Lord what were his views and the views of those with whom he immediately acts, of course, I could make no arrangement. Inferring, as I now do, that the noble Lord and his Friends have no intention of proposing any Motion, I, of course, am willing to recognize the position which my hon. Friend the Member for Portsmouth has taken in regard to this subject, and I shall be happy to give him any day that the House may consider convenient. If the House thinks this day week convenient, that day shall be placed at the service of my hon. Friend and the House.

**MR. BRUCE:** After what has been said by the Prime Minister, I am entirely in the hands of the House in this

matter. I waited until the noble Lord opposite had expressed his intention not to bring forward a Motion on the subject. I can only say that I am myself anxious to bring my Motion forward, and I am willing to do so on any day that may suit the convenience of the House. The Papers have been in the hands of hon. Members only to-day, or at least I have only seen them this morning, and other Papers have been mentioned which may bear very materially on the subject, and which are to be presented to-day. Under these circumstances I am entirely in the hands of the House, and I think it would not be desirable to bring forward the matter this week, and I doubt whether next Monday would give sufficient time to hon. Members to consider the Papers.

**MR. W. E. FORSTER** said, that the hon. Member for Portsmouth had given Notice that he would call attention to the Papers and move a Resolution. It would be convenient that the House should at the earliest period know the terms of the Resolution.

**MR. BRUCE** said, he could not put the terms of his Resolution on the Notice Paper until the Papers were laid upon the Table, and until the noble Marquess had announced his intention not to take the precedence to which he was justly entitled. He should take care to put his Resolution upon the Paper to-morrow.

**MR. DISRAELI:** Considering the period of the Session, I think it is not unreasonable that the House should be able to discuss this question on Monday.

#### ELEMENTARY EDUCATION BILL. [BILL 155.]

(*Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Assheton Cross.*)

COMMITTEE. [*Progress 21st July.*]

Bill considered in Committee.

(In the Committee.)

New Clause—

(Dissolution of School Board under certain circumstances.)

("Where application for the dissolution of a School Board is made to the Education Department by the like persons and in the like manner as an application for the formation of a School Board, under section twelve of 'The Elementary Education Act, 1870,' and the Education Department, are satisfied that no school and no



site for a school is in the possession or under the control of the School Board, and that there is a sufficient amount of public school accommodation for the district of the School Board, the Education Department may, after such notice as they think sufficient, order the dissolution of the School Board.

"The Education Department by any such order shall make provision for the disposal of all money furniture, books, documents, and property belonging to the School Board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the department necessary or proper for carrying into effect the dissolution of the board.

"The Education Department shall publish the order in manner directed by 'The Elementary Education Act, 1872,' with respect to the publication of notices, and after the date of such publication or any later date mentioned in the order, the order shall have effect as if it were enacted by Parliament, without prejudice nevertheless to the subsequent formation of a School Board in the same school district. All bye-laws previously made by the School Board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act."—(*Mr. Pell*.)

Question again proposed, "That the Clause be read a second time."

VISCOUNT SANDON said, that hon. Members had, no doubt, along with him, spent some of the time which had elapsed since the House last met in considering what was the meaning of the somewhat heated debates into which they had drifted on Thursday and Friday in last week. It was clear to him that great misapprehensions had prevailed as to the subject-matter of the clause under debate and the course taken by the Government. He was willing to take a great deal of the fault upon himself, and it was possible he did not state with sufficient clearness what was the position taken by the Government upon the new clause proposed by the hon. Member for South Leicestershire (*Mr. Pell*). He tried to be clear; but, after a fortnight's discussion upon education, it was possible that one's language and one's head might have become somewhat muddled. Two proposals were brought before the Committee by his hon. Friend (*Mr. Pell*) one was to enable every locality by a popular vote to do away with its school board, even when it had a school or school sites of its own. That was a proposal which the Government said at once they could not under any circumstances adopt. The second proposal was one of a very different character. It was this

—it simply said that where the locality had ample school accommodation, and where the Department was satisfied that the school requirements were amply supplied by the locality, if the authority there which had the power of creating the school board determined by the same vote that it did not want to have that school board, the power should be given to the Department to say that the school board could exist no longer, and that it should be dissolved. The reason why the Government assented to the clause was that the whole state of the case was altered by the provisions of the Bill which had virtually received the assent of the House. Provision had been taken that in every locality hereafter a good substantial school authority should be established which might be entirely trusted to administer the law as to attendance of children at school, if not receiving efficient instruction elsewhere. The whole question, therefore, was, whether the new school attendance authority which had been created under this Bill should have what might be called the Educational police power which the Committee proposed to give it, instead of the school board when one existed already in a locality, and had no schools under its control. When the Committee considered the question calmly and after the relaxation they had enjoyed, they would, he thought, agree with him, that a great number of the speeches had been made, not perhaps altogether unnaturally, under some misapprehension. One speech after another had been based upon the supposition that the great school machinery, created by the Act of 1870, for the administration of education would be put in peril by the proposal adopted by the Government. That, however, would be found to be utterly impossible under the Amendment as proposed, if they considered it with the explanations he had now given. It was, however, absolutely essential to get rid of this supposition which had prevailed—as the Committee, however, would remember that the hon. and learned Member for Sheffield (*Mr. Roebuck*), who they must all regret did not now address the House so often as he used to do, delivered a speech based on that supposition, and the most important speeches against the Government proposal took the same ground. Taking for granted that the Committee would

agree that he (Viscount Sandon) was right in his explanation, they had surely now reduced the matter to a comparatively small point. He did not wish to allude to what might be considered personal taunts addressed to him the other day, and which he attributed to the heat of the weather and not to any unfriendly feeling. The question was of too grave a character to allow of personalities entering into it. They were told that the Government ought to have brought forward the proposal before the Committee on their own responsibility, but he did not think that the Government was bound to introduce into their Bill, which was necessarily a very heavy one, every improvement in the Education system which appeared in itself desirable. It was a different thing, however, when a point was once raised, and when they saw many Amendments placed on the Notice Paper, bearing on the point that where school boards were unnecessary the locality ought to be able to remove them. The case was put forcibly before the Government. They knew that since the Bill had been printed, meetings were held in different parts of the country, not in agricultural districts only, but also in towns, and conclusions were arrived at that the weakness of the Bill was that where a school board was unnecessary provision ought to have been made for its removal. They had likewise had a great number of communications to the same effect, not alone from clerical quarters, of which they had heard so much, but from great local interests — Boards of Guardians, and also men of business connected with towns, asking what possible argument could be urged against the proposal that unnecessary school boards might be removed. Was it not, then, in the interest of the School Board system itself that localities, where they were not wanted, should be able to get rid of the burden of school boards? That being so, although it was not necessary for the Government to add clause to clause in their Bill, still, when this question was so pressed upon their attention, they were bound to consider it, and when they had considered it they could find no argument which would really hold water against it. But even taking the view of the right hon. Gentleman the Member for Bradford, who was naturally very zealous on behalf of the school

board system all over the country, he (Viscount Sandon) asked—Was it likely to make that system popular—and, unless in the long run it was popular and had the confidence of the country, it would not work—if they refused to make provision for throwing off what he might call without offence the slough of the system? That was to say those school boards, which had lost the confidence of a locality, which had no schools to manage, and which were not securing education for the children—these, he might truly say, only brought discredit on the whole school board system—made it unpopular—and would be unnecessary under the new Bill, as local authorities were constituted everywhere who would be obliged to see that all children were instructed. The right hon. Gentleman said he feared the Department would be constantly asked to ascertain whether particular school board districts had sufficient school accommodation, and that their attention would be constantly called to school deficiencies by the party which wished to keep up a board; but surely the Department would be only too glad to be told of any deficiencies—that was exactly what they wanted. They wished to be told by the localities where there was a deficiency of schools, and if the change stimulated communications of that kind he, for one, would hail it with pleasure. Again, it was urged over and over again that the general feeling of the country was in favour of school boards. If that argument were repeated, he would be compelled to take a different course from that he had hitherto adopted in the debate. He had cautiously avoided parading before the House what he knew to be the feeling of the country as to school boards; but if it were insisted that there was no question as to their popularity, he should be obliged to go more into the details of this matter, and to call the attention of the Committee to what, as far as he had been able to ascertain, was the real opinion of the country. As far as his official knowledge went, and he had had communications from all parts of the country on the subject, the large school boards were much appreciated, but he could not conceal from the Committee that the feeling of the country as to school boards generally was just now in a very critical position, and that not only as to the

small, but as to the large ones. He would ask hon. Gentlemen opposite whether they thought it wise, in the interest of the school board system, and of education itself to press this system too far, and whether, if school boards were rendered unpopular by being forced to be retained by districts where they were not required, the result would not be to render compulsion extremely difficult? If more were still said as to the popularity of school boards, he should have to quote at length the opinions of Her Majesty's Inspectors during the last two or three years on the subject. He very much preferred, however, not to enter into that question, but to confine himself to the cases of unnecessary school boards where there was sufficient school accommodation for the locality. He had quoted the case of a right hon. Gentleman opposite as to an unnecessary school board in a small rural district; he would now refer to the case of a borough of over 10,000 inhabitants, giving, however, no clue to its name, not to avoid contradiction, but to prevent unnecessary discussion. The borough in question had sufficient voluntary schools and a school board for the sake of compulsion only, and there were several towns in its neighbourhood which had not school boards. The borough had a very good municipality, in which all the leading people took part. Now did they suppose that there the burden of a school board would be tolerated, when it was seen that in the neighbouring districts the advantages of compulsory attendance were secured without the burden of an unnecessary school board? He could not but think that it was rather a bold thing for hon. Gentlemen opposite to protest against the destruction of any institution, simply on the ground that it existed; surely this was an argument, which if it could be held at the present day anywhere, would be more in keeping on the Conservative side of the House; and he confessed that he had heard with infinite astonishment such a high Tory sentiment from the other side as that an institution which was only six years in existence ought not to be touched, on the ground that it was an existing institution, although there would then exist other adequate machinery for doing its work. Well, Her Majesty's Government had observed with pleasure the number of

Amendments on the clause under consideration, which had been placed upon the Paper, as they clearly evinced the existence of a kindly wish to help the Government. Among those Amendments was one which must have weight with the Committee as coming from a Gentleman of great experience, he meant the Amendment of the right hon. Gentleman the Member for Chester (Mr. Dodson). As, however, it stood on the Paper it could not be accepted by the Government, because it would virtually make it impossible to allow any school board to be dissolved, and thus would frustrate the object of the Amendment of his hon. Friend the Member for Leicestershire. It could only, under the Amendment, be dissolved, if it was the opinion of the Department that its maintenance was unsuited to the requirements of the education, and was of no advantage to education—and that would be a bold thing for the Department in any case to say. They considered, however, that the Amendment contained the germ of a proposal which might be accepted—to the effect that it was the duty of the Department to take all the circumstances of the case into consideration, and if they should be of opinion that the maintenance of the school board was not necessary for the purposes of education in the district, then that they should take action in the matter. That Amendment, he thought, would secure what both sides seemed to desire—namely, that if a school board was doing its work well, the Department should hold the hand of the destroyer; but that if it should be shown to be unnecessary, it might be dissolved. The proposal would tend to concentrate duties in the hands of the existing local authorities. It would enable people to choose the authorities containing the best men, and thus avoid the worry and expense of unnecessary elections. He trusted the hon. Member for South Leicestershire would agree to the proposition. If hon. Gentleman opposite would not consent to adopt the proposal, the Government would willingly assume the responsibility of the whole matter, and would have no doubt of what the opinion of the counties would be respecting it. They would only congratulate themselves if their opponents nailed their colours to the mast in opposing this reasonable proposition, and appeared before the

country as the political party which was in favour of the maintenance of unnecessary school boards, and which denied to the people the right of getting rid of them when they no longer wished to have them, and refused them the privilege of choosing their own existing local authorities to do the work.

Mr. PELL said, he could see no objection to the incorporation of the Amendment of the right hon. Gentleman the Member for Chester with his own, and was prepared to accept it. ["Hear, hear!"] He understood those cheers, and also the ominous silence which had been observed on the other side of the House during the speech of the noble Lord the Vice President of the Council. He (Mr. Pell) regretted the irreconcilable spirit which seemed to have arisen on the question; but he could assure hon. Members opposite that his clause was conceived in no hostile spirit, and sprang merely from a desire to economize the public money arising from rates, and prevent the existence in one district of different authorities having the same object in view. He had not considered other interests in framing his clause, and he could not see that in any respect the Amendment of the right hon. Gentleman the Member for Chester interfered with the object he had in view. Where school boards were not effective, either as to the education given or the cost to the ratepayers, it was not right that the power which created them should have the power to substitute other authorities better suited to the purpose.

Mr. JOHN BRIGHT: I observe, Sir, that the noble Lord in discussing his question never loses an opportunity—or rather, he takes advantage of many opportunities—of saying something unkind of the school boards. ["No, no!"] It is all very well to mingle here and there compliments to great boroughs and the school boards of great populations, but last year when the question was discussed, on the Motion of my hon. Colleague, who then was—he is now no longer—in the House, the noble Lord took the same course, and I am not sure he did not do the same in the year before. I have noticed it repeatedly, and I am quite sure the House must be sensible of it. He has spoken to-day of the burden of school boards and of the necessity of throwing off the slough of their system. That is quite in accord-

ance with the opinions of some hon. Members opposite, and with the opinions which I have gathered from what he has said in preceding debates. The noble Lord has never attempted to make any answer to the real objections to this clause. The hon. Member for Marylebone (Mr. Forsyth) on Friday said the noble Lord had not answered the arguments I brought forward against it, and he would attempt to answer them. I will not say how far he succeeded, but my own opinion is, naturally, that he somewhat failed. I should like to put to the House calmly, what are the reasons which influence me at any rate to oppose this clause. It is not because I am opposed to the Bill. I have never spoken before against the Bill, and if it had not been for the introduction of new propositions of this kind I should have taken no one step to oppose its passage through Committee. The object of this clause is to allow persons in some school-board districts to suppress the school board. We know with what great contests throughout the country school boards were first established, and we know that in many districts the majority was not very large, but that generally the school boards, even in these districts, have worked with so much success that there is no longer any anticipation or any attempt that they should be put an end to. We do know also that there is a minority in many school-board districts who would be exceedingly glad to disturb the present system. There is very likely a Church clergyman who has a great hostility to school boards; in fact, to anything but a Church school, under Church management; but it is not the duty, and it is not the interest of Parliament, and it is not for the good of the country, that any Church clergyman of that description should be allowed under a clause of this kind, with perhaps half a dozen other influential persons in his neighbourhood to start a new opposition to school boards with the view of suppressing them. The noble Lord speaks as if he was making no real change, but that the school board should go out of existence, and the Guardians or corporations take its place. But that is not true. The difference between the school boards under the Act of 1870, and the corporations of Boards of Guardians under the Bill is enormous. It is not a difference even in degree; it is a difference of kind and of nature—an essential difference to

the last degree. The corporations and Boards of Guardians can do nothing but stand with the lash and drive the children to school. But the school board has a power beyond that. It has the power to build a school, or to take over any school which any managers may wish to hand over to it, and therefore it has an existing and a prospective power which by this Bill you do not give either to the corporation or to the Board of Guardians. It is idle, therefore, for the noble Lord to tell us this is a matter of very small consequence, and that really parishes and boroughs are not likely to wish to have two authorities when one would do. The "one authority" which he by this Bill is creating is an authority of feebleness and do-nothingness in comparison with the authority he is allowing the districts he supplants; and it is on that ground I object to the clause. I take one of the "burdensome" school boards which is to be got rid of. At present it has built no school, and has taken no school over, and does nothing but drive the children to school. But the population may be increasing rapidly, and next year, or the year after, there may not be sufficient school accommodation, and the school board may be required to build the school. Or there may be some clergyman of the Church of England, or some committee of a British School feeling a school to be burdensome, or believing it would be better for the school board to take it over; but if this Bill passes, that school board may be suppressed, and the corporation will have no power to take over a school or to build a new school whatever the increase of the population, and the Board of Guardians will be equally incapable of adding anything to the supply of school accommodation. There is another, and to my mind more serious, point to which I ask the noble Lord's special attention, and which I ask the House in its fairness to consider. This Bill is to compel children in all parts of the country to go to school, and in some towns and parishes—I am afraid I am not extravagant in saying thousands of parishes—there is no school but a Church school. Into that school you are about to drive every child of every Dissenting family within those parishes, and they would have no chance of choosing any board or other school. Where the number of Nonconformist children at present was only half-a-dozen or a

dozen, you would think it improper to go to the expense of providing a school for them alone; but supposing these children were more numerous—say 50 or 100, or 150—surely it would be proper for the school board to provide school accommodation for them if their parents were dissatisfied with their being forced into Church schools. But if this clause were passed, there would be no power under a corporation to provide a new school, whatever be the number of Nonconformist children, and therefore until some future time, when Parliament may alter the law, and a new school board may be formed, or till the parish may have other contests and apply to the Education Department for a school board, all the Nonconformists will be forced to attend the Church school, having no defence when they so attend a Church school except the Conscience Clause. Hon. Gentleman opposite probably believe that clause works well enough, and that it is a sufficient protection. No doubt, it is so in their view of the case, but I can assure them that it is not so; for I saw quoted last year a portion of a speech spoken by the President of the Wesleyan Conference, in which it was stated that there were hundreds of parishes in England and Wales in which there was no social freedom whatever, and I know from abundant correspondence and my own personal knowledge that if the children of Dissenting families in many parishes of England were withdrawn from school, even under the protection of the Conscience Clause, a mark would be set on these families. ["No, no!"] Why, it is a matter of certainty. ["No, no!"] It was only the other day, not a week ago, I was in a parish not 50 miles from London, where there is no school but a Church school, and a good man there who was not a Churchman began to take a few children into a house to teach them as at a Sunday-school, and what happened? The moment there was a proposition to get up a little treat in the village for the children, the children who went to that school were omitted in the distribution, and they were shown at once by the clergyman's family, and those with whom he was associated, that it was considered a great evil, little less than a sin, perhaps entirely a sin, that the children should go to be taught by this poor Wesleyan man, instead of going to the Church school. That will happen, and does

*Mr. John Bright*

happen, in hundreds of parishes in England. ["No, no!"] Well, but I know it does. ["No, no!" and cries of 'Name!'] Name, why their name is region. I asked a lady two or three years ago—a most benevolent and excellent person, but very much limited by her Church notions—who was describing to me how they distributed charity in her parish—"Do you ever call and distribute your charity at the house of any Dissenter?" We were speaking chiefly of children. She said, "Well, no—no; we don't—we don't include them." I did not argue with her, but I put a very simple question to her—"You are a Christian woman, or endeavouring to be so, but do you think that Christ would have made such a difference as that?" And she hesitated for a moment, and she said—"No, I think—I think He would not." But that difference does exist in your agricultural parishes in many hundreds of cases, and under this Bill which the noble Lord is now passing you will find those cases. You give the Conscience Clause as a security, but the parents of Nonconformist children may wish to have their children educated in board schools or in any other school than the school in connection with the Established Church. But by the clause you are now discussing, you may allow the school board to be suppressed, and to either of the authorities which you substitute, do you give the power to provide schools for these children. Therefore with all my disposition to help the noble Lord in anything that he may do, even in accordance with the Bill of 1870, though in that Bill I think there were great defects, it is impossible for me to give my support to a clause like this. I am certain—more certain than before the delivery to-night of the noble Lord's speech—a speech which no man in his position at the head of the Education Department ought to have made—that if this clause passes it will be widely accepted as the signal for the re-opening of a question which was settled in 1870, and it will have the effect of weakening the operation of that Act, and of weakening that which on this side we do require, and which you profess to require, and I hope do require, that our system of education should gradually become wider, broader, and deeper, and should more entirely take within its arms, as it were, the whole of the population of the

United Kingdom. I think nothing could have been more unfortunate than for the noble Lord after bringing his Bill so far with a certain amount of acquiescence—for it is a great matter, in a question to which attaches prejudices and hostilities in many localities, that there should be a general acquiescence on both sides of the House—to make an attempt like that which he is now making to upset the foundations of the Bill of 1870. I believe in so doing he will stir up a degree of intolerance and hostility between parishes, and that a great deal of good he hopes to do by the Bill he will undo or poison by his unfortunate acceptance of the clause of the hon. Member for South Leicestershire.

MR. A. MILLS said, that the right hon. Gentleman who had just sat down, instead of addressing himself calmly to the question before the House, had spoken in a tone calculated to rouse controversial feelings. The right hon. Gentleman had a very limited experience of the action of Church people, and yet he had charged those interested in voluntary schools, and especially in Church schools, with habitually using the alms put into their hands by the Legislature for proselytizing purposes. He (Mr. Mills) denied altogether the charges made by the right hon. Gentleman against the clergy of the Established Church as to schools, and the lay members of the Church with respect to the distribution of charities. The right hon. Member might have heard such tales in idle gossip, but there was no foundation for such sweeping assertions. It was suggested that the issue raised by the clause of the hon. Member for South Leicestershire, with the Amendment of the right hon. Member for Chester incorporated in it, would imperil the Act of 1870, and was intended as an attack upon school boards. He denied the statement altogether. There was no intention whatever, nor was there anything in the statement of the noble Lord the Vice President of the Council, which would warrant in the slightest degree the insinuation of the right hon. Gentleman. He would venture to say that the noble Lord had done more to promote the action of school boards than the right hon. Gentleman himself. When the noble Lord spoke of getting rid of "the slough" of the school boards, he was not alluding to the great school boards,

but to those which had not yet done a single act to promote the cause of elementary education. The right hon. Gentleman talked as if this were an attack on school boards; but any one who would take the trouble to read between the lines of the Amendments of the hon. Member for South Leicestershire and the right hon. Member for Chester would see that it was no such thing. It was not an attempt at the dissolution of school boards, nor was it an attack, direct or indirect, on their action, which he, for one, was prepared to justify as most valuable in large towns. The question was, whether Parliament would enable the inhabitants to rid themselves of machinery which they had themselves created, when the Bill provided every one of the districts with the means of establishing compulsion as thoroughly as the Act of 1870. It was, therefore, intended to respect and maintain those school boards which were efficient and did their duty, while at the same time they gave back to the ratepayers the power of doing away with school boards that did nothing, and replace them by elected bodies who would meet the wants of the district. If the right hon. Gentleman and those who supported him supposed they were playing a good card, that they were raising a popular cry by insisting that absolutely useless school boards should not be discontinued, they would find themselves very much mistaken. For the last two or three years he had been a member of a school board, and he ventured to say a more unpopular office never was filled. They were told by high authority that woe waited upon them when all men spoke well of them. Then, if the converse were true, the members of the School Board of the metropolis were the most happy men alive. Parliament was not asked to deal with school boards which had done their work, but those which had done absolutely nothing, and if they would not allow the ratepayers who had called those boards into existence to dissolve them, instead of doing a popular act, they would be doing that which would meet from their constituents the reprobation which it deserved.

MR. DODSON wished, as the noble Lord had so pointedly alluded to the Amendment which he (Mr. Dodson) had put on the Paper

words.

The question before the Committee was not one which called for excitement; but he could not help thinking with respect to what had just fallen from the hon. Member for Exeter (Mr. Mills), that he must have forgotten the nature of the Assembly he was addressing in referring to matters which in discussing such a Bill should not be brought under their consideration. He must have thought he was addressing his constituents, and not the House of Commons. It was said this was not an attack on school boards; but, if not, he most certainly failed to see what else it could be, for the speech of the noble Lord who had adopted it, the only Minister who had spoken on the subject, if not a direct and vehement attack on school boards, certainly showed no great respect or regard for them. The noble Lord had not met the point so forcibly put by his right hon. Friend the Member for Birmingham, that in removing a school board and substituting a Town Council or Board of Guardians, as would be the result of the adoption of the clause, they were removing the body which had full power to take over schools, and do much more for education than either of the substituted authorities, and placing in lieu thereof a body which had no such powers. Look what the effect on education would be. A school board might be set up one year and pulled down another, by a majority of the Town Council or Guardians, and might be restored again in the next year. How could education be expected to flourish under such a system. It was all very well for a Ministry to have an accidental majority, but care should be taken with respect to the use made of that majority. A proper system of education never could be maintained if principles upheld by one Party were to be overturned by another as soon as they got into power. When once educational machinery was set up, they could not be too cautious in affording facilities for its removal, because it was most desirable that education should take a firm root in the soil, and not be shaken in the earlier days of its growth. It was argued that the Amendment he had placed on the Paper implied, on his part, the acceptance of the clause, but that was certainly not his intention. All he intended was, if the clause should be read a second time, that he would endeavour to amend

it by inserting the words he had placed on the Paper. But the noble Lord, if he understood him correctly, by the alteration he proposed would reduce his Amendment to a nullity.

MR. GOLDNEY argued that where school boards failed to carry out the object for which they were established, facilities ought to be afforded for getting rid of them. He would mention a case in point which occurred in a parish in his own neighbourhood. A school board was elected in 1871 and re-elected in 1874. During those three years and a portion of 1875, they only discussed plans for sites, and did nothing to further the education of the district. In 1875 the ratepayers, embracing all sections of the community, joined together and subscribed a certain sum, bought a site, built a school-house for 400 children. The school was efficiently conducted; everybody was satisfied, and the only question was how to get rid of the school board. That was an instance in which a school board had ceased to be of any use, and he hoped the suggestion that had been made by the noble Lord would be accepted, in order that school boards of this description might be dispensed with.

MR. MUNDELLA said, there were only 30 or 40 school boards whose position was at all illustrated by the description just given, for of the 540 that had no schools 510 had appointed attendance officers. But, even supposing there were more, if there were 100 cases such as that quoted, he held that the school boards would have plenty to do, even where there were no schools. Under the provisions of the Bill they would have to see that wastrels and the children of poor and drunken parents were educated—a duty in itself of the utmost importance. He contended that inaccuracy ran all through the speeches of the noble Lord and the hon. Member for Exeter (Mr. A. Mills). Voluntary effort was not enough, and the experience the hon. Member for Exeter had acquired ought to have informed him that if a school were erected at every corner of every street in London it would be impossible to get the children to school. Thus where there were school boards without schools, it would be the duty of the former to see that children attended the latter, so that it could hardly be said that school boards were useless. He

considered that the noble Lord had been very unfortunate in his speech. What was the reason of their being engaged upon this unfortunate clause, instead of the Prisons Bill? Simply because the noble Lord had broken the promise he had made, that he would loyally stand by the spirit of the Act of 1870. So far from doing so, he had accepted an Amendment which aimed at the destruction of 540 school boards, many of which were doing good in large centres of population, and which held a threat over every other school board whatsoever. He maintained that the acceptance of the clause would create an agitation in every parish where there was a school board, and would give rise to the exercise of narrow-mindedness, intolerance, selfishness, and ignorance, by parsimonious ratepayers and an intolerant parson, in order to destroy the usefulness of the boards, so that the educational progress of the country might be retarded on account of sectarian motives. Those who supported the clause simply objected to school boards because they were active and aggressive. ["Hear, hear!"] Yes, aggressive against ignorance and intolerance. The friends of the clause, in fact, who had brought it forward as they had done, were—

"Willing to wound, and yet afraid to strike."

They wished to use their majority, as it were, surreptitiously; but it should be borne in mind that all power in the long run came from the people, and that the House of Commons was the depository of that power. What was made by a majority could be unmade by a majority, and, as his hon. and learned Colleague had reminded them on the previous debate on the subject, the majority to unsettle a national policy must be a majority of that House. He utterly denied that school boards were either extravagant or irreligious. They talked of themselves as being a Christian Legislature. As far as he could see—speaking from an educational point of view—the only evidence of their being so was that they had a chaplain, who read prayers every day at 10 minutes to 4 o'clock. It was remarkable that the two front benches never came to prayers. He had commented upon the fact to a friend, who said in reply that the front benches of the Government at all events did not require to attend prayers, as



their prayers were already answered. It was insinuated by the supporters of the clause that the school boards were irreligious bodies. He maintained, on the contrary, that they were, in some respects, more religious than some of their denominational schools, and that under the former religious education had enormously increased throughout the country. As a proof of what he had said, he would refer to the results of the examination in religious subjects of the children taught in the board schools of Sheffield to show how efficient that religious instruction had been. There was no precedent of ratepayers being either invited or encouraged to destroy any municipal institution created by Parliament. The noble Lord the Vice President of the Council seemed to have returned to his old love, and the threats which he had used in his speech reminded one very much of the threats that he uttered when he cried—"Woe to the vanquished," in introducing his Endowed Schools Bill. If the noble Lord had that feeling still in his heart, it would have been much more courageous for him to have endeavoured to carry it out. Instead of hanging the sword of Damocles over the 540 school boards that would have come within the purview of the hon. Member for South Leicester's clause, why had not the Government and their Friends the candour and courage of placing at once a Resolution before the House for the destruction of all the school boards? The noble Lord had threatened that evening to disclose the doings of some of these school boards, if provoked by the further opposition of his political opponents. He (Mr. Mundella) challenged the noble Lord to do so. Until the hon. Member for South Leicestershire had prepared his clause, the noble Lord had over and over again declared that he would stand by the principles of the measure of 1870, and resist every Amendment that departed from the lines of that Act. But at the eleventh hour the noble Lord, forgetting that policy which he had enunciated, adopted an Amendment which was subversive of the main object of the Act of 1870; and now, by a conspiracy of silence and the force of their majority, the advocates of this re-actionary proceeding sought to force it upon an unwilling people. He would, however, tell him that, though in a minority in that House, so long as the Opposition

*Mr. Mundella*

had power to resist such a dangerous measure as that under discussion they would exercise all the resources that the Forms of the House gave them to prevent its passing.

SIR JOHN KENNAWAY said, he did not think that either the tone or language of the hon. Gentleman's speech was at all likely to benefit the cause which he seemed to have at heart, and therefore he would not follow him in his heated invective or the threat which he had thought proper to hold out. He trusted that the clause would be considered calmly and dispassionately, and would be decided according to its merits. The doctrine of "once a school board always a school board" was quite new to him, because the 24th clause of the Act of 1870 distinctly contemplated the transfer of school boards. He therefore denied that the supporters of the present clause were doing anything contrary to the Act of 1870. The hypothetical case mentioned by the right hon. Member for Chester could not possibly occur under the clause, because it applied only to districts in which there were no school-board schools or school sites; and even in the Act of 1870, the right hon. Gentleman the Member for Bradford had actually, in his 24th clause, provided for the re-transfer of schools from school boards to the managers, if two-thirds of the members of the school boards desired such transfer. Was not that provision something very like what the present clause proposed? The House had no desire to interfere with the existing school boards except where they had really no work to do. What, then, could be more reasonable, or in accordance with common sense, than to provide against their continuance in the latter case?

MR. W. JAMES regretted the Government had not abandoned the clause, rather than adopt the retrogressive and reactionary policy they had at the last moment ventured upon. The result had been to introduce the element of religious bitterness into their debates, and to prolong their discussions to an unreasonable length. They would have done more wisely if, instead of giving their acquiescence to this proposal of the hon. Member for South Leicestershire, they had acted upon the good old maxim *Vestigia nulla retrorsum*. The Act of

— was framed to provide sufficient

elementary education to every child throughout the Kingdom by the instrumentality of the school-board system; but the new proposal tended to wholly subvert that system. He regarded the clause of the hon. Member for South Leicestershire as indirectly striking a blow at the principle of self-government, which was the great guarantee for the diffusion of the benefits arising from the Act of 1870. It was chiefly in the rural districts that the system was required, and no centralized system could confer so much advantage on the people so far as the education principle was concerned. In addition to those objections, he feared that in many districts Church schools formed a sort of clerical hobby, and it was to be regretted that the clergy of the Established Church had not joined with the popular feeling on this most important question, but they had joined another camp. He hoped, however, that the day was not distant when the great question of education would be entirely in accordance with the wishes of the great body of the people. In conclusion, he must say the clause was decidedly of a re-actionary character, and hon. Members on the Opposition side of the House would oppose it to the bitter end. The Conservative Party had come out in their true light in this matter; and it was remarkable how unanimous they were in supporting the clause when they discovered that it was re-actionary.

MR. MARTEN said, the question of the maintenance of school boards was put forward by hon. Members on the Opposition side of the House as if the abolition of useless school boards involved an attack upon the proposed improvement in the great work of elementary education; but surely in localities where there were school boards without schools, and without sites to build them on, it was not unreasonable to have a power in the Bill to remove such school boards. They had instances of localities wherein school boards were actually forced upon the people, where there was sufficient proper school accommodation for children, thus incurring expense for a school board which was perfectly useless. At the same time, he would admit that in the majority of cases there was no complaint with regard to their action. He thought that, considering the sacrifices made by the clergy in the cause of education, it was disrespectful to talk of Church

schools as "a clerical hobby." Who erected the Church school-houses? The members of the Church. And if parents not being members of the Church sent their children to those schools, and had an objection to the religious teaching in them, there was the "Conscience Clause," of which they might avail themselves. As to the clause, it was carefully guarded, so that the interests of education might not suffer; and the argument of the right hon. Gentleman (Mr. Bright) was easily answered, for if the population of a district increased after the dissolution of a school board, and it was found that the educational wants of the district could not be otherwise met, there was nothing to prevent the Education Department from calling a school board again into existence. He considered the clause important, and deserving of the approval of the Committee, and he maintained that to give the power of dissolving school boards was no new thing; for as late as the Public Health Act of last year, power was given to the Local Government Board to dissolve local government districts, and in other Acts similar authority was given.

MR. LOWE said, if he understood aright the observations of the noble Lord the Vice President of the Council in opening the debate that evening, the noble Lord treated that as a mere matter of the transfer of powers from one body to another. If that was the noble Lord's argument, some Members of the Government ought to explain a little further the real nature of the transaction. As he understood the matter, the school boards had the power of taking schools over, of building schools, and of levying rates. It was now proposed to enable the Privy Council to dissolve those school boards, and that, according to the noble Lord, acted as a transfer of their powers to the Guardians. But that was not a proper description of the nature of the transaction. He did not know that it was very important whether the powers in question should be in the school boards or the Boards of Guardians. But this was not in the real nature of a transfer at all; it was in reality an annihilation of the organizing power—a destruction of the power which Parliament deliberately provided six years ago for the purpose of creating and maintaining schools in this country. It was therefore a little hard, when Government came

forward and lent its authority to such a change as that, to be told as the only excuse they had had for it, that it was a mere transfer. Why, the essential part of the proposal was that it destroyed machinery provided by Parliament for making new schools. Granting even that there were sufficient schools now, how long would that be the case? Circumstances might arise, such as a factory being established, or the opening of a new railway, which would oblige the locality, in consequence of the increase of population occurring, to call for more schools, and then, instead of having, as at present, the machinery to their hand, deputations would have to go to the Education Department, and infinite trouble would have to be taken before they could create them. Why were the Government bent upon destroying the authority which had existed from the first for creating schools, and why did they throw these obstacles in the way? They had a right to ask the Government what their policy was in the matter, and how they distinguished it from general hostility to education. He had been content to leave the question in the hands of men better competent to deal with it than he; but now that it had come to this, he must point out that, although Parliament deliberately selected the machinery, and it was the foundation of the Bill itself, yet without any reason except what he must call the excuse that it was a transfer they were to put in force machinery for the destruction of these boards. A single vote at a single election by this proposal would be able to destroy the work of many years. They must observe, too, that the noble Lord spoke in a tone very hostile to school boards, and said that, if compelled to open his lips, he had dreadful revelations to make. But the noble Lord was the person who would have to weigh dispassionately whether schools boards were to be put an end to or not, and whether new school boards were to be established. It was on the noble Lord and on his office people must rely to do justice when they got heated in these discussions; but he had given a specimen of what they had to expect in the *animus* with which he had spoken that evening and on other occasions. The aim of the Education Act, and of all persons pledged to education, was to direct the attention of voters to the one question of spreading education, and making it as good and efficient

as possible. By the clause, however, totally new considerations would be introduced. It would not be a question of how to get the best school and the best people to manage it, but of what sort the school should be, and there might be endless elections with reference to this single question, because Parliament had chosen to throw down the apple of discord. It was turning the question of education into a question of politics, importing bitterness and heart-burning into these matters, and making the existence of every school board depend upon obtaining a majority in an election, which a little bigotry or carelessness might overthrow, and so the work of self-sacrifice and devotion might be utterly destroyed. He thought they were not asking too much when they asked for an explanation of that sudden change.

THE CHANCELLOR OF THE EXCHEQUER thought the right hon. Gentleman perfectly justified in asking for a further explanation from the Government, and that it appeared necessary for them once more to state their opinion on the subject. The Government had been much surprised by the tone which the debates had taken on the new clause of the hon. Member for South Leicestershire; and they feared that many of the remarks which had been made on both sides of the House had given rise to erroneous impressions, which might be mischievous in their tendency, with reference to the intention of the Government. The right hon. Gentleman had said the proposal before the Committee was not so much a transfer of certain powers from one body to another as a destruction of what was called "organizing power." But if there were any intention on the part of the Government to undertake so serious a business as to propose to reverse the policy of the Act of 1870 and destroy a great and valuable organizing power, it would have been their duty to have made proper provision in the first draft of the Bill for carrying it into effect, and to have explained the proposal fully to the House on the second reading of the Bill. The conduct of the Government would have been culpable if they had refrained until the last moment from doing what had been described by some as "springing a mine" upon the House and the country. But their answer to that was that there was no such intention, and as they interpreted the

clause, especially with the Amendment of the right hon. Gentleman the Member for Chester, it would have no such effect. The reason why there had been so much heat in the discussion was, that there prevailed a great deal of suspicion on the one side that there was something behind, and the very animosity with which the clause had been attacked had created some feeling on the other. But the evil to which hon. Members had referred was an imaginary evil, for the real state of the case was this—By the Act of 1870 provision was made, not for the compulsory election of school boards all over the country, but for their adoption where they were desired, and, in certain cases, for the creation of school boards where the localities did not make proper provision for education. These school boards were to have various powers: they were to have organizing powers, as the right hon. Gentleman the Member for Greenwich had stated, and they were also to have the power of compelling the attendance of children. In a certain number of cases the school boards had been either voluntarily adopted or ordered, but they had been adopted or ordered for the purpose of supplying defects in the educational machinery of the district which could not be supplied by mere voluntary action. But in these cases powers had been exercised by the school boards which took them entirely out of the operation of this clause. It would not affect the case in which a school board had a school, a school site, or a school under its control; it would in such a case be mere waste of paper. It would affect only a limited number of school boards, and that was the reason why the Government had not themselves introduced it into the Bill. It was necessary in some cases to have school boards, not only in order to organize the educational resources of a district, but because they were the only bodies that could exercise the power of compulsion in the attendance of children. Under this Bill another machinery was provided for the purpose of compelling the attendance of children, and it appeared, therefore, perfectly reasonable that they should say to any district which had adopted a school board for no other purpose than to compel children to go to school—“We have provided another machinery for that purpose; you may, therefore,

lay aside the machinery you adopted with that view, and adopt the substitute provided in this Bill.” But then it might be said that school boards might be dissolved where they were necessary to secure the proper education of the district. Now, there were two answers to that—the Government fully recognized the importance of providing against that danger. If they accepted, as they proposed to do, the Amendment of the right hon. Gentleman the Member for Chester, the danger would be avoided by placing in the hands of the Education Department the power of saying whether a dissolution of the school board would be prejudicial to the educational interests of the district. But if, in the judgment of the Education Department, it was not necessary to have a school board in a particular district, and if the locality did not wish it, how, in the name of justice, could they call on the district to continue the school board? He, therefore, thought that where they gave the local authority the power of adopting and creating a certain machinery they should also give it the power, under certain safeguards and restrictions, of dissolving it. It was said this was without precedent; but under the Highways Act power was given to the magistrates to regulate highway districts, in different parts of the country; and in the same Act a power strictly analogous to that given by this clause was given, by which boards might be altered from time to time, or dissolved by the same authority that created them. But there was another answer—in the 19th clause of the Bill, where it was satisfied, after inquiry, that any local authority had failed in its duty, the strong power was given to the Education Department to appoint other persons for a specified term to perform the duty of the local authority. The Education Department, therefore, had very strong powers to see that the educational machinery of the country was kept up to its work and did it. That was a simple exposition of the views of the Government. The matter was a small one; the clause would only operate in a few cases—to so small an extent that it did not occur to them to prepare a clause with that view; but when the proposal was made the Government could not deny its justice, nor could they see anything in it of a re-actionary character. In fact, it was in perfect harmony with the

principles of the Bill. They had no right to complain of the discussion which had occurred on this subject. But he hoped that the threats which had been throw out that opposition to the clause would be carried to the utmost limits of Parliamentary propriety were not to be taken literally as indicating the position that those who objected to the clause would be obliged to take up. There might be cases in which such a course was justifiable; but, looking to the small amount of provocation and the extremely reasonable nature of the proposal, he could not think hon. Gentlemen were serious in saying they were prepared to jeopardize what they admitted to be a good Bill. He therefore trusted that hon. Members would forego that course of proceeding, and he hoped the Government would not be accused of imaginary wickednesses which they had no intention of committing, and that they might be permitted very soon to take the opinion of the Committee on the clause.

MR. WHITWELL said, he was surprised the right hon. Gentleman the Chancellor of the Exchequer had sat down without giving an answer to the objections which had been urged. The right hon. Gentleman said that on the dissolution of a school board its powers would be transferred to the local authorities, Corporations, and Boards of Guardians. But there was, in fact, no such transfer. If it were, it could not properly be a "transfer," because the powers of a school board were so much larger than those of the attendance committees. A parish once relieved from a school board need not come under the provisions of the Bill, or elect any new local authority for educational purposes, and place itself under the control of the Education Department. The introduction of the clause by the hon. Member opposite (Mr. Pell) and its acceptance by the Government had been a cause of great disappointment to him and many hon. Members on that side of the House. They were up to that time highly satisfied with the Bill, and sincerely wished it might speedily pass; and they could not understand how, for such an admitted limited object, they should allow the Bill to block the way of so many important measures which had been introduced by the Home Secretary, the President of the Local Go-

vernment Board, and other Members of the Government. Would it not, he suggested to the noble Lord, be better to see how the Bill would work, say, for one or two years, without the clause. If it was found that the new local authorities did the work well and effectively, it would be easy afterwards to give powers for extending the operation of the Act to districts in which school boards had not been efficient. He hoped the suggestion would be considered by the Government.

DR. WARD asked for the indulgence of the Committee while he referred to the opinions of the Roman Catholics in this country, which could not be expected to be so well represented by English Members. Many Roman Catholics would prefer to see their children go to a Church school with a Conscience Clause rather than allow them to go to a secular school under a school board. By the clause the Committee was only asked to abolish school boards that were doing no work at all, and it was opposed by hon. Members who wanted to shove the school boards down the throats of those who did not want them. As representing to some extent the opinions of Roman Catholics, he should feel it his duty to vote for the Amendment of the hon. Member for South Leicestershire. The Roman Catholics had never yet given up one of their schools to a board, and in many districts the boards which it was now sought to get rid of were practically useless and involved unnecessary expense. He regarded the opposition to the proposed clause as a part of the movement led by the Birmingham League, whose scheme of education was most objectionable in point of religion, true liberty, and parental authority.

MR. BRISTOWE, whilst admitting the ingenuity of the arguments of the Chancellor of the Exchequer, could not help saying that on the present occasion they were far from convincing. He denied that the duties of a school attendance committee under the Bill were at all on all fours with the duties imposed upon school boards. He did not agree with the statement of the noble Lord (Viscount Sandon) that the proposed clause would only apply to a small number of school boards. On the contrary, he considered there was a considerable number of school boards throughout the country to which the

clause would be applicable, and he altogether denied the assumption that a board was unnecessary, where there was no site for a school in their possession, and where there was sufficient school accommodation otherwise. The course proposed by the Government seemed to him a retrograde step. If this clause were agreed to there might be a party cry raised at Town Council elections for the abolition of the school board in towns where such boards existed, and thus the school boards themselves would occupy a most doubtful, uncertain, and unenviable position. He had supported the second reading of the Bill, being of opinion that it contained much that was useful, but his opinion would be much modified if the clause under consideration were adopted, believing as he did that it was directed at the very existence of school boards throughout the country.

MR. STORER thought that the opposition to the clause arose from the apprehension that the hatred which existed in the country of useless, expensive, and litigious school boards would extend to the towns. One case was within his knowledge, which he believed was one of many. A village in Nottinghamshire elected a school board, and with what result? There was no schoolmaster and no school, and the only result of the election was the imposition of a rate of 4*d.* in the pound—equal to an income tax of 8*d.* being assessed upon the rental. For that the ratepayers had the pleasure of a triennial election and the payment of the clerk of the board. They would, however, now be only too glad to get rid of the board. He believed that in many districts that harmless clause would be received with pleasure by the ratepayers, and he cordially gave it his support.

MR. WHALLEY said, he was opposed to the Education Act of 1870, and while it was passing through the House he advised the hon. Member for Birmingham (Mr. Dixon) to get together 20 other Members and die on the floor of the House, rather than let it pass. He believed the hon. Member regretted now that he did not act on the suggestion. The arguments used on the other side were not only unfair, but, speaking in a Parliamentary sense, they were not honest. He would admit that school boards were unpopular; but, in his opi-

nion, that was an argument against the proposed clause rather than in its favour. The school boards being done away with, nothing stood between this Algerine measure of compulsion and payment out of public money towards schools supported by clerical influence. Now, clerical influence was really responsible for the ignorance and backwardness of this nation as compared with other nations in the matter of education. At Oxford and Cambridge, where the same influence was paramount, there was an utter failure to give a practical, useful education, and the result was among our country gentlemen an ignorance to which was really due the existence of our National Debt. Let them contrast it with the education given at the Scottish Universities, where it was of a quality that enabled its recipients to rise superior in intellectual power to the students of the English Universities, and become minds of mark of the present day.

THE CHAIRMAN asked the hon. Member, whether those observations would not be more germane to a debate upon the Universities Bills?

MR. WHALLEY, with great deference, ventured to think they would not, and went on to say that all history proved that if you wanted to perpetuate ignorance, or, what was worse, bigotry, you must place education under the control of ministers of religion, he did not care whether they were called priests, parsons, or preachers. The question was, what was education? Reading, writing, and arithmetic, in his opinion, were most dangerous weapons to put in the hands of any child; for what would be the result of reading if children were placed under the power of the clergy? Why, simply that they would read the *Lives of Saints*, or some such books, instead of penny dreadfuls. There was very little difference from his view between that kind of literature and that which had been introduced into the Church of England by her clergymen. On that ground he was opposed to the whole Bill.

MR. HERMON said, he thought that education might be carried to such an extent that the country would be tired of the expense of the whole affair. Why should they go on building new schools in districts where confessedly they had already ample school accommodation? Those school boards were objectionable in many respects, and he thought that

even Roman Catholics would prefer sending their children to the Church of England schools rather than to schools where religion was altogether excluded from the instruction. The clause had been represented as intended for the wholesale destruction of school boards. If that were its object it would not have the support of the Government; certainly it would not have his support. It only gave the power to those who had created a school board to make a representation to the Education Department when they found a school board was unnecessary. School boards had become unpopular because they had set themselves against religious education, and school committees of the Guardians or Town Councils would be more disposed to carry out the wishes of the country in that respect. Under the present proposal the same power which called those school boards into existence would be able to dispense with them in districts where they had nothing whatever to do, and where they only increased the burdens of the ratepayers without conferring on them any proportional advantages. The Bill was sufficiently strong for the purpose of getting all children to attend schools, whilst it created safeguards against the establishment of useless school boards and unnecessary taxation.

MR. JACOB BRIGHT remarked, that much had been said as to the effect of the acceptance of the clause on education. He would like to ask what would be the effect of its acceptance upon the reputation of Parliament? Whatever might be the defects of the House of Commons no one would charge it with fickleness of purpose. Whatever work it did, after much or little deliberation, it adhered to with great tenacity. There were laws on the Statute Book, and there were laws, perhaps, older than any statute, which had been condemned by Committees of that House and by Royal Commissions against which there had been much agitation, yet Parliament continued to defend them. But now they were asked to abandon an Act of Parliament passed only six years ago, without inquiry, without debate, there having been no Petitions to that House on the subject, and no agitation in the country. They were asked to give up tried, for untried, methods. The school board, so far as it had been tried, had fully an-

swered the expectation of the country, yet they were asked to give it up in favour of plans of which they had no practical experience. It might be that the new local authority—namely, the Boards of Guardians and the Town Councils, would be found unfit for the duties now sought to be imposed upon them. A few weeks ago he presented an important Petition from a Lancashire Board of Guardians. The Petitioners urged that they were unfitted to deal with the question of education on the grounds of want of experience, and the onerous duties already imposed upon them. It was said there were places that had formed school boards in great haste and which now wished to be rid of them. Might they not, under the clause, abandon them in haste, and accept some other authority which had been wholly untried and with which they might be just as much dissatisfied? For the last two years Government had been forming school boards. The number that it had established was very great. Surely if it had no confidence in them, if it believed that they were a burden to the country and that some other authority would be much more acceptable and much more useful, the Bill then before the House should have been brought in at an earlier period and the school board question should have been fully dealt with in the Bill. It had been shown in the course of the debate that nearly all the school boards which might be endangered by that clause had compulsory bye-laws. That was a proof that they were seriously engaged in educational work. They were obtaining valuable experience, and they ran the risk of being dispersed by the operation of that clause, and the work of education might pass into new hands. One of the greatest difficulties in connection with that Bill was the fact that in very many places there was only one school, and that a Church school; and children were therefore to be driven into the Church school, whatever the opinions or religious views of their parents. That aspect of the Bill had been ably dealt with in a discussion on going into Committee on the Bill raised by the hon. Gentleman the Member for Merthyr (Mr. Richard), and supported in an earnest speech by the hon. and learned Member for Barnstaple (Mr. Waddy). The difficulty they all knew was not easily met, but where-

ever a school board existed it was much diminished. The noble Lord opposite (Viscount Sandon) asked them why they cared so much to defend an institution of only six years' standing? He (Mr. Bright) should think it the duty of the Members of a Government to defend an institution of only six years' standing on the ground that it could not have had a fair trial. There might be circumstances in which he could support the clause under discussion or even a more sweeping clause. Let the school boards be tried for a sufficient number of years, let the other educational authorities to be set up by this Bill be tried, let them compete with each other for a length of time, and then let them be judged; and if it were found that education languished where school boards existed and flourished under other management, if it were found that school boards were a burden and a disadvantage and that Town Councils and Boards of Guardians were more successful in promoting instruction, then they on that side of the House should make no fight for school boards.

MR. RYLANDS said, the strong objections which had been made from that side of the House were not in any way met by what had been said by the right hon. Gentleman (the Chancellor of the Exchequer). They had been told that the clause would apply in very few instances, and only have the effect of doing away with unnecessary school boards, under the sanction of the noble Lord opposite (Viscount Sandon). On the first blush of the thing, it seemed to him that if the clause were of such an insignificant character hon. and right hon. Gentlemen would not have been prepared to make such a great sacrifice to ensure the passing of the clause. He thought that he might also say, that that remarkable courtesy which had marked the conduct of the Bill by the noble Lord, would, if it had been a matter of small or trivial importance, have induced him to willingly give way to avoid the opposition which the clause had met with from that (the Liberal) side of the House. He was unable to distinguish the meaning of the clause if so described. The noble Lord was continually speaking of unnecessary school boards, and, no doubt, if they could be persuaded of their being unnecessary, they might come to view their suppression without regret. But

the right hon. Gentleman the Member for Birmingham (Mr. John Bright) had shown that there was really no such thing as an unnecessary school board. Many of the boards now constituted were called into existence by the Department over which the noble Lord presided. They were created for an object, and they had either fulfilled their object, or they had not fulfilled their object. If they had fulfilled their object, they showed that they still possessed the power of doing good work. But suppose, on the other hand, that in some districts denominational managers had raised a sufficient number of schools, then the noble Lord said a school board was unnecessary. No doubt that was and would be so as long as the district remained in the same position; that was to say, so long as the denominational schools remained the same in number, and the population remained the same in numbers and in way of thinking. But, when owing to a change in popular opinion, or any other cause, the persons having the management of those schools found that all their zeal and all their efforts failed to secure subscriptions, or to raise the necessary supplies, then it was well to have an existing education machinery like the school board to step in, and say to the managers of the denominational school which was insufficiently supported—"We (the school board) are willing to take over your school, under the school board conditions, and to levy rates upon the districts for its support, and to prevent its being extinguished." Thus, an apparently unnecessary school board became a potent influence for good, and the power which it exercised of levying rates to support its schools was of much value, and was a power for which no substitute was found in Town Councils or Boards of Guardians. To call those last authorities substitutes for school boards was to speak of what did not exist. They might exercise a compulsory power of attendance, but in no other way did they exercise the functions of a school board. The right hon. Baronet the Chancellor of the Exchequer had said that school boards should not be abolished except under certain conditions; either they must have no school buildings or sites for schools, or no schools under their control, in those cases only would the clause apply. What would be the



effect of the clause if passed? It would introduce an agitation to withdraw schools from under the control of the school boards, and it would check the establishment of boards when they might exercise a great influence for good, and discourage school-board operations throughout the country. The Amendment proposed by the right hon. Gentleman the Member for Chester was an improvement; but even that was wide of the purpose, and would do no good. With an Education Department with a staff of permanent officials entertaining a dislike to school boards, there would be no difficulty in finding good reasons to justify the abolition of a school board. The Amendment simply provided that the Education Department might judge of the propriety of abolishing a school board, and no one could doubt of the effect under the present management of the Department. He was aware the noble Lord said that school boards were unpopular, and that he challenged them on that side to venture to defend an unpopular institution. He (Mr. Rylands) was quite willing to admit that in many districts all local bodies who levied rates were unpopular in a greater or less degree. There was a prejudice against them and an ignorant impatience of local taxation. It was that ignorant impatience which was constantly complaining of rates levied for the most useful objects and constantly asking to have local rates removed, however they might be employed for local objects, and thrown upon the central fund of the nation, proposing a policy of centralization. There would always be found many willing to rid themselves of liability and responsibility in that way. Headmitted they could easily get up a cry against local rates amongst certain classes for any purpose. In the case of the Public Health Act—he was not sure whether it was upon the introduction of the Act—but in reference to that Act a cry of the kind was raised. There were deputations from all parts of the country who represented themselves to Lord Palmerston as deputations delegated by large and influential bodies to oppose the Bill. What did Lord Palmerston say to those gentlemen who told him all this? He said—

“Well, gentlemen, my experience is that in every borough you may find what I may call a dirty party, and this dirty party will offer opposition to anything, however beneficial it

object, for the sake of a penny or twopence in the pound.”

Lord Palmerston shrewdly alluded to a fact they had all found in their experience. In no large body of people—he might say in no moderate-sized village—were they without a dirty party, who would protest loudly if they only told them that it was proposed to add largely to taxation. But when in addition to that matter of the cost of education the argument of religion in danger was raised, and all the religious zeal aroused against it, there was presented a powerful combination. Something of that was seen in the General Election of 1874, and it had a serious effect on political parties. The noble Lord and many hon. Gentlemen on the other side in alluding to the unpopularity of school boards and raising the objection to their rating power, in reality covered their antagonism to the undenominational character of school boards. Denominational education really meant, in other words, Church schools. He had received, and so he supposed had other hon. Members, a copy of an article which appeared in *The Church Quarterly Review* for January last, on the present state of education. It was written by a gentleman of great ability; he did not know the writer, of course, but he appeared to be an authority of some respectability. The article in question was published and forwarded to hon. Members to influence public opinion. He found from the article that the Church party, as represented by *The Church Quarterly Review*, looked with the greatest dissatisfaction on the Elementary Education Act of 1870. All through the article hostility to school boards, and to the principle upon which the Act of 1870 was framed, was undisguised, and after a critical history of the Act, it urged upon the Church party the duty of rallying together to prevent the Act being carried to its full extent in the way it had been during the past three or four years. It was quite clear from that pamphlet that the Church party entertained the strongest dislike to local rating by the school boards, because the exercise of that power necessarily meant the establishment of undenominational schools. The writer went on to explain how it was that the Act passed the House of Commons in that year (1870), and said there was then a fever of excitement, and the

Mr. Rylands

effect of the Bill was then not so clearly foreseen, and that now it must be stopped, before it became too late. In another passage the writer of the article said—

“So far as things have gone at present, we find that up to April, 1875, Church schools to the number of 187, having accommodation for 10,900 children, have been transferred to boards. We hope the mischief may be arrested; for let our friends know what all this means. The barest money-value of the property thus surrendered cannot be under £170,000. Of course, every school surrendered by the Church is so much capital not merely sacrificed, but made over to the other side to be used against us. It is like losing a seat in the House of Commons; it counts two on a division.”

If those words meant anything they meant that since 1870 there had been a continued absorption of schools by the boards, and now the Church party would by every means in their power resist the action of those boards and prevent their establishment in new districts, and it showed a determination to support denominational schools without reference to the general interests of education. There was not wanting other evidence, but from the article in the *Review* and from communications sent by clergymen it was clear that on the part of the Church party there was a strong feeling against board schools. Knowing all this when the noble Lord introduced his Bill, he (Mr. Rylands) listened with the greatest anxiety to see if the influence of that party could be traced. They believed that pressure would be put upon the noble Lord by that party, and it was with great relief they heard the noble Lord's temperate speech, which appeared exceedingly fair and candid. There was every desire to meet him in a fair spirit, for they knew the difficulty of the case he had to deal with. Not only was a favourable opinion formed from his statement, but when the Bill was in their hands, although there were some who thought the Bill wanted improvement in many ways, yet he thought that having regard as he had said to the difficulties of the position it did form a basis upon which a few Amendments might be added to make an useful assistance to the cause of national education. Some might have wished that basis to have been broader, but all were not indisposed to make considerable allowances for the difficulties that had to be contended with. But the noble Lord had entirely departed

from that fairness and moderation of tone with which he introduced the Bill. For his (Mr. Rylands's) part he was driven to the conclusion that the noble Lord was now acting under the influence of those above him, and was under the control of the Cabinet. The Cabinet had decided on taking the present step. And he would say why he thought so. He could recollect the debates of 1870, as he had the honour of a seat in the House at that time, and he heard strong speeches from right hon. Gentlemen now on the front bench opposite, who then sat on the side from which he (Mr. Rylands) was speaking, and he could well recollect the strong views they expressed. Those views were still held by some, at least, of right hon. Gentlemen forming the Cabinet. On June 19 of the present year the right hon. Gentleman the Secretary of State for War (Mr. Hardy) made a speech directly attacking school boards. He said—

“School boards were distasteful to the country on many grounds. They were unnecessarily expensive, and they often caused conflicts of opinion which led to expense, and rose bitter questions, which when once invoked, were not easily got rid of. They were distasteful because of that direct compulsion which was placed in their hands. He did not say they had not used that power with discretion, but they had exercised it in many instances to raise a great deal of public animosity against them, and whether justly or unjustly, school boards were an institution not favourably regarded. . . . The Legislature had determined that the people should be educated, and the Government had considered that vast and most difficult question—how they could best attain that object. The school boards had not attained it. The country, indeed, would not adopt school boards with the view of attaining it.”—[See *ante*. p. 36.]

What right had anyone to say anything of the kind? How long had the Act been in operation? Why, it was but as yesterday;—and yet, schools were established all over the country; and no one was justified in saying that the Act of 1870 had not attained the object intended. It might cease to do so if the present clause were adopted, and especially when we found an influential Member of Government denouncing the school board system. There was also an allusion, in the nature of a sneer, to the Dissenters and Secularists—they were coupled together—as offering opposition to religious instruction. He thought it was extremely unfair to Dissenters, whose anxiety in the cause of

religious education was not second to that of the Church of England; and Dissenters had done more, out of their poverty, for the cause of religious education, than the Church had done out of her riches. He knew perfectly well, that the charge of opposition to religion was one relied on to influence public opinion, and it was not without its effect. It had had its effect in the General Election—and he only hoped that it would be seen that this was, in fact, only a masked battery to protect the citadel of Church ascendancy. The change of front which the noble Lord had made in regard to the Bill, was, no doubt, due to the considerable pressure put upon the Government by the Church of England party. The influence of that party was not shown in loud demonstrations or large meetings; but it was a quiet pressure, and there was very little doubt that the effect of this pressure determined the Government to adopt this departure from the lines of the Education Act of 1870, and from the pledges which had been given when the present Bill was brought in. If that departure from the principles of 1870 had been made known upon the introduction of the Bill, he did not believe the Bill would have received the support of the House; and he thought there was good reason to complain that they had been unfairly dealt with. The Amendment introduced at the last moment had entirely altered the features of the Bill. The Bill was introduced upon the 18th of May, and there was then not a word to suppose the intention of Government was either to increase the grant to denominational schools, or to strike a blow at school boards. On June 16, and again on the 19th, there was not a word from the Government to indicate a change in their policy and in the nature of the Bill. It was true the right hon. Gentleman the Secretary of State for War, expressed his strong opposition to school boards—but the House was often favoured with his opinions, and found they did not go altogether in the same direction as those of his Colleagues: they thought this was merely the representation of the strong Conservative element in the Cabinet, and so there appeared no reason to suppose such a change of policy as this;—and then followed the discussion in Committee for several days, and still no sign of the

contemplated change. Thus, there had been a long debate on the First Reading—again, an adjourned debate on the Second Reading, and a long discussion in Committee; and, therefore, he maintained they had a right to say they had not been treated fairly, and that many hon. Members would not have supported the Second Reading, had they foreseen the interpolation of the clause. Hon. and right hon. Gentlemen might not see the effect of the course adopted; but he (Mr. Rylands) could see it would induce a tendency on the part of the Liberal Party to consider that, if the Church of England was continually stretching out her hands for more money and more authority, the only course was—to separate Episcopalianism from the State; and if such a feeling were induced, it would be in consequence of the course taken by the Church party itself. The Chancellor of the Exchequer seemed to convey the impression that they were offering a mere factious opposition; but it was not so. They wished to offer opposition by every legitimate means in their power; and, if the Bill came up for Third Reading with the disfigurement of the clause, he trusted it would again receive strenuous opposition.

THE O'CONNOR DON thought that a great deal of time had been wasted most unnecessarily during the last few days in discussing a very trifling point. The argument on the part of hon. Members opposite was that the clause was not intended to touch any school board that was doing good work, but only those which were practically useless. The view stated to be held by those near him was that the operation of the clause would be much more extensive than its proposer admitted, and that it would affect school boards which were useful. If that were the real state of opinion, and hon. Members were really in earnest, nothing could be easier than to read the clause a second time, and to limit its operation by introducing the necessary Amendments so as to make it carry into effect the views of all parties. He, however, could not regard the opposition to this clause as a *bona fide* one. The whole of Friday and the greater part of to-night had been taken up by a repetition over and over again of the same arguments, which were intended, not to convince the House or the country, but merely to retard the passing of the mea-

sure. Hon. Members had placed their opinions before the House, and what was the use then in continuing to waste time by opposing the second reading of the clause? After the declaration of the Government that they intended to pass the Bill such tactics were unavailing, and their only result would be to keep hon. Members in town much longer than was necessary, for he could not believe that the Government would be so weak as to give it up, even if they were to sit until September. The hon. Members who opposed the clause were in a minority in that House, and were in a still greater minority in the country on this particular subject; for some of those who had opposed the clause had been elected by the votes of electors who certainly would not agree with them on this point.

Mr. LYON PLAYFAIR: I tried, during the cool period between this debate and the previous one, to extract from the speeches of hon. Members opposite the real motives which have made hon. Members on the other side below the Gangway cheer so vehemently all efforts to support a clause which they profess to be so small and limited. In the speeches of the two hon. Members for Bury St. Edmunds, those motives were not in any way concealed. The noble Lord the junior Member for that borough (Lord Francis Hervey) openly attacked school boards in general, not the few which we are told come under the operations of the clause. He carefully gathered, from School Inspectors' Reports, all the passages which told against school boards, in order to prove their unpopularity. The youthful ardour of the noble Lord clearly showed that he viewed the clause as an advanced position to assail school boards as a whole. And the irrepressible truthfulness of the elder Member for Bury St. Edmunds (Mr. Greene) confirmed the re-actionary character of the clause, for he showed an eager desire to attack, root and branch, the Act of 1870, and all other obnoxious Acts which the Liberals had passed in their day of power. But I confess I found it more difficult to understand the position of the Government, for the noble Lord opposite (Viscount Sandon) under-rated the value of the clause, describing it as a very little thing, and asked us to be calm and not excited. Formerly he

cooed like a dove: to-night he has roared like a lion. He has menaced us with terrible threats, that, if we do not give up our opposition to this clause, he will repeat the exact course of the noble Lord the Member for Bury St. Edmunds (Lord Francis Hervey), and will read again from the Inspectors' Reports all the passages which we have heard already to prove the unpopularity of school boards. Well, this will be a formidable infliction to the House, which may well shrink from a repetition of a second dose of extract. But if he considered that that threat appals us, he must have already found out his mistake. What his menace has done is to convince us that we were quite right to consider this clause as an advanced trench against school boards in general. What other meaning can be drawn from it than that there are elements of destruction ready to be poured out from this clause against school boards in general, if we did not surrender at discretion? And after thus imprudently showing us his line of attack, the noble Lord offered to accept an Amendment of my right hon. Friend the Member for Chester (Mr. Dodson), the effect of which was to enable the Education Department to have power to consider the expediency of the proposals made to abolish a school board, but the speech and the threats of the noble Lord had made this worthless in our eyes. For we no longer saw a champion of school boards at the head of the Department, but a declared enemy who told us that they were unpopular, and threatened us with future consequences if we did not give present submission. Still I find it difficult to understand the position of the Government. The noble Lord the Vice President of the Council has shown such knowledge, and displayed such skill in argument and exposition during the course of his management of this Bill, that when he gives us no information, and uses so few arguments in support of this clause, we must assume that he possesses no information which will justify its introduction, and that he has been unable to discover any forcible arguments by which it can be supported. My right hon. Friend the Member for Bradford (Mr. Forster) has asked him various specific questions, but can get no specific answers. Perhaps, during the two days which have elapsed since the last debate, the noble Lord has

got some of the information which we desire, so I will again put the question. Of the 541 school boards without board schools, how many of them would come under this clause, which requires that the district shall have no board school, no school site, and no deficiency of school accommodation? Surely, before adopting the clause, the Government inquired into its necessity. Out of the 541 school boards referred to, are there 6? are there 12? are there 20 in this condition? All that we now know as a fact is, that the Education Department has been forced to make 870 compulsory school boards, of which only 13 are in boroughs, and the rest in country districts. These compulsory boards are only formed where there is a deficiency of school accommodation, and few of them can yet have had time to apply a remedy. Well, the noble Lord refuses to give us any information to justify the clause, except the one case of the village of Smeeth, which turns out not to be a case at all, for the village is contented enough with its school board as a power in reserve for future action. It is clear why the noble Lord lets us grope our way in the dark in discussing this clause. If he told us that there were only half-a-dozen school boards in this position, he would cease to have justification for introducing such an important change in the machinery of the Act of 1870, in order to please a few villages like Smeeth, knowing that the clause would act equally on important towns like Stockport and Preston, and endanger their education. If, on the other hand, his intimate knowledge of the Department told him there were many school boards which would come under the three conditions of the clause, he would confirm our apprehensions of its far-reaching character, and would thus justify our resistance to powers which may destroy the most important parts of the machinery of the Act of 1870. And so the noble Lord prefers that we should discuss the clause in absence of all information as to its necessity. But is this mode of carrying an important clause worthy of a Government? As long as it was a clause of the hon. Member for South Leicestershire (Mr. Pell), he might be excused for not knowing the details of the Education Department. But there is no such excuse for the Government which has adopted it, and we can come to no other conclusion than that they

consented in a moment of weakness, with a view to please their supporters below the Gangway, and that they have not yet quarried out of the mass of information in the Education Department any facts to support the clause or any arguments which will justify it. The general argument of the noble Lord is—“Let us be cool and not get excited; the clause is really a small affair with few ulterior consequences: a school board, when elected by a popular vote, should surely reasonably be suppressed by the same vote, though we do not want to apply this principle to all local authorities, and the short and long of it is, the Government intend to support this clause, so why fight it?” Well, that style of argument is so entirely unlike the masterly way in which the noble Lord has supported the other clauses of his Bill, that we on this side must think that he is ashamed at having adopted this foundling, and that he desires no inquiries to be made into its history and character. The other side of the House cannot be surprised that we oppose this clause with all our might. We think it a logical but most dangerous consequence of the clause which was passed the other night for relieving denominational schools from local subscriptions. That clause, too, we were told, was but a little one, because its financial result would be limited to about £30,000. We asserted that, though now small, it would grow rapidly, and might ultimately cost the country £300,000 or £400,000 annually. Now, how does this clause follow as a logical result of that one? By it you have introduced a process of change which will in time convert the national denominational schools of this country into mere private adventure schools, with Government subventions, and this conversion will be more quickly completed when school boards have been got rid of, for the new authorities of this Act have no power to build schools of a mere national character to check the selfish operation of private adventure schools. There are many hon. Members opposite who give earnest attention to education and who do not share these apprehensions. But when you find equally earnest men on this side who do so, you should not be surprised that we opposed that clause, although you entreated us to pass it, because it was such a little one, and that we continue our re-

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sistance to this clause, although you also assure us it is so little. But it is like a grain of mustard seed which will grow into a large tree, and it is not difficult to see how it will do so. For though there are few school boards now in districts in which there is no deficiency of school accommodation, in the course of time there will be many in the condition of Stockport and Preston. If you had left them alone, these school boards would have passed bye-laws, and carried education into the universality, which you aim to attain by the new indirect and direct compulsory clauses of this Bill. Now you unsettle the whole of the 540 school boards of the country which could have carried on such useful work. The moment there is an appearance of their reaching the position of having stimulated voluntary effort in the district to supply the deficiency of school accommodation, you let loose the powers of destruction. The cost of school boards occurs while this deficiency is being supplied; there is little cost in rural districts where it has been supplied—or, if there be, it is the fault of the ratepayers. But while the cost of stimulating the flagging zeal of denominationalism to supply new schools lasts, there is a minority of persons who are dissatisfied with the cost, and this adds to the unpopularity described by the noble Lord the Member for Bury St. Edmunds. This minority will always be a nucleus for agitation. Generally, in rural parishes, this minority consists of the rich people of the district. Until school boards are done away with there will be an annual resolution for their extinction, and often a ballot, for which the ratepayers will have to pay. You complain now of the cost of triennial elections—you are about to add to them the annual expense of a sectarian war to get rid of the school boards. And as the controversy gets embittered, you, if successful in abolishing the school boards, must be prepared, in your turn, for an organized attempt to re-establish them. By the clause we have lately passed, you will ultimately force Government on the side of those who desire universal school boards. Because they form the strongest levers possessed by the Government to secure a proper supply of schools and efficient attendance, and when Government becomes the chief paymaster, and local subscriptions fail, the Education Department

will do its best to obtain a uniform and organized national system of management throughout the country. And so this clause will ultimately defeat the purposes of its framers. But, in the meantime, education will largely suffer from the agitation which will be produced throughout the country in the efforts of minorities to give a constant expression to their views at a heavy cost to the ratepayers. Hitherto this House has opposed the Permissive Bill of the hon. Member for Carlisle (Sir Wilfrid Lawson) because it has feared the incessant agitations and fluctuations which it would produce—sometimes the ratepayers voting for public-houses, sometimes against them. But this clause has all the evils of the Permissive Bill in keeping up agitation, fomented and embittered by religious differences, for these, as the right hon. Gentleman the Member for the City of London (Mr. Hubbard) admitted, lie at the root of your desire for this clause. And the melancholy outcome of this new clause is, that when we were trying, with little distinction of Party, to frame an Act to promote national education, you, at the very end of the measure, introduce clauses which awaken Party hostilities, and give to the Act, in our eyes, such a Party colour as to destroy our belief in the educational objects of the Bill. When our old animosities were dying out, you fan them again into a blaze. You have committed a great political mistake. We, on this side, never divided into two camps. Below the Gangway there were strong supporters of universal school boards, but above the Gangway there were many of us who desired to give fair play to denominational voluntary schools. We have seen you pass a clause which, in process of time, will convert voluntary schools supported by subscription into private adventure denominational schools, and you ask us now to enable you to strangle school boards, in order that the schools may be more easily kept under the influence of the Church—for that is at the bottom of the clause. Well, you have made us on this side a united party on the subject of education, which most divided us. You have compelled us all to believe that it is impossible to extend education with efficiency and economy to the nation unless there is a uniform system of national management, for

you seem determined to repeat the machinery of the Act of 1870 whenever you have an opportunity, and get back to the system of separate denominational schools, as much as possible under the influence of the Church, and as little as possible under that of local authority or of national influence.

MR. GATHORNE HARDY said, that if anything could tend to convince the Committee of the extraordinary waste of time to which the right hon. Gentleman opposite (Mr. Lyon Playfair) had alluded, it would be the speech to which they had just listened. The right hon. Gentleman had told them that they (the Conservatives) had been guilty of a political mistake which had been favourable to his Party, inasmuch as it had united them and welded them as one man. He (Mr. Hardy) confessed that he should not be sorry to see a little more union amongst that Party, in spite of the disastrous effects which it might bring about to his own side of the House. It seemed to be taken for granted in all the speeches of hon. Members on the other side that there was no opposition to the Bill until these clauses were brought before the Committee. They forgot that the hon. Member for Sheffield (Mr. Mundella), who had made himself so conspicuous in the debate, took a division on the second reading, and that division expressed hostility irrespective of the Government's new grant clause and of this new clause. But coming to the right hon. Gentleman opposite (Mr. Lyon Playfair), he (Mr. Hardy) must say that he had grossly misrepresented the meaning and the intention of the clause. Knowing the candour of the right hon. Gentleman, he did not suppose that he had done it on purpose, and indeed his argument was self-contradictory. He said the intention was to abolish school boards, because when the existing deficiencies had been supplied by the exertions of school boards, then the clause would come into operation, and school boards would be abolished. [MR. LYON PLAYFAIR: No, no; denominational schools would be introduced.] Certainly he understood the argument to be that after the school boards had stimulated the supply of ample accommodation, and made up all existing deficiencies, they would be abolished, and denominational schools would be established. But if so, and if the people

supplied the deficiencies by voluntary schools, boards would have done nothing; and to come under this clause a board must be a board without a school under its control. The right hon. Gentleman suggested, though he did not seem to have meant it, that boards with schools would be got rid of; but as that was not so, his argument fell to the ground. As to the question of the right hon. Gentleman, how many of the 541 school boards would come under the operation of the clause, it was impossible for his noble Friend to tell how the feelings of the ratepayers might change as to the continuance of school boards, though if he understood the right hon. Gentleman rightly, he expected that when they had supplied all existing deficiencies the community would get tired of them and their schools, which would be replaced by denominational schools. If they did, the populations which had supplied the means had surely a right to denominational schools if they preferred them. His noble Friend the Vice President of the Council had been unjustly held up to opprobrium for maintaining the unpopularity of school boards, although some hon. Members opposite, and notably the hon. Member for Burnley (Mr. Rylands), had admitted the fact; and as to his (Mr. Hardy's) own remarks on the second reading, he did not disguise his opinion that, if in any place voluntary schools existed, and supplied sufficient and efficient schools, it would be deplorable that a school board should be formed there. It would harden, stiffen, and destroy that voluntary action to which we owed so much; it would be attended with the greatest disadvantage, and it would introduce a dissension where harmony had existed. In certain cases a sufficient number of schools would be set up by voluntary action, and the people, seeing that there were enough schools, and being anxious to get rid of the triennial disputes and expenses of school boards, would naturally be desirous to manage their schools in connection with the ordinary local authority. But then they were told that it would be a terrible thing that when they had created a school board, they should ever put it down. But take the other case, and suppose that the parish wished to have a school board, and were defeated at the election. So far from being obliged to be satisfied,

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they had the opportunity under the Bill of raising the controversy again and again. Yet if only by one vote a school board had been created, it was not to be abolished, even although it might be contrary to the wish of the influential people in the parish. Hon. and right hon. Gentlemen opposite seemed to think that no one was influential in a parish except the rich and powerful. They were very much mistaken. He agreed that when a man owned the whole of a parish he might do either a great deal of good or harm. In the majority of parishes, however, unless he was supported by the really influential people who were interested in imparting religious education, he was powerless to do good, although he might be powerful to do evil. When the people found school boards unnecessary, and became tired of the disputes and expense of elections, were they to be told they were to be debarred from asking to be relieved from that encumbrance? He could not be charged with hostility to school boards, because the only time he had lifted up his voice in Committee was when his hon. Friend the Member for Newcastle took a strong view against them, and when he spoke against his hon. Friend's Amendment. The present clause was an act of justice and equity, and was in harmony with the Act of 1870, the only difference being that while that Act allowed the vote for the setting up a school board to be given freely, the Government thought it right, on the other hand, where the people thought they could get the work better done in other ways by Town Councils and the school attendance committees of Boards of Guardians, to allow them to do so. The right hon. Member for Birmingham (Mr. John Bright), in a speech which was, he (Mr. Hardy) thought, extremely irrelevant—one of those speeches in which the right hon. Gentleman showed the *animus* he bore towards the Church of England—made statements so unfair and so unreasonable in connection with that Church that he did not think it necessary to reply to them. His sole argument was that by the local authorities, which would be set up where there were no school boards, schools could not be built out of the rates. Well, that was perfectly true; but the Education Department retained all its powers, and if the voluntary principle did not supply

the requisite school accommodation, the Education Department would have the power to require that the deficiency should be supplied. The Department would give the voluntary principle the opportunity of supplying the deficiency, or would cause a school board to be established, if the deficiency were not supplied by the voluntary principle. It would in the latter event fix on that parish a school board for ever, as far as the present clause was concerned. It was said that the population of the country was increasing. That was no doubt true, but it did not grow to the extent suggested in a day, or a week, or a month, or even in a year. There would, therefore, be ample time for the Education Department to interfere where the voluntary principle did not meet the emergency. The right hon. Gentleman the Member for Edinburgh University—a great Liberal—taunted the Government with being supported on the present occasion by the most effective assistance of the hon. Member for Roscommon (the O'Connor Don). The right hon. Gentleman, who would never ask what a man's religion was, and who would protest against any investigation into the religious creed of any one who sat in that House, did not hesitate to say that the Government, of whom he had spoken as upholding the bulwarks of Protestantism, had begged for Roman Catholic assistance. He had seen the time when Roman Catholic assistance had been begged for by Parties in that House. It was not in his time, but he had heard of "compacts" with Roman Catholic Gentlemen years ago at Willis's Rooms, and he had known much more recently the assistance of Roman Catholic Members sought for the destruction of a Protestant Establishment. He avowed that in this case without asking it they were ready to take that assistance, because it was founded on justice. The hon. Member for Roscommon put forward no religious ground for giving them his support; and yet the right hon. Gentleman had thrown out that miserable taunt, when the proposal of the Government was founded on justice alone, and when he hoped by this means to obtain that united action so much to be desired by the Party opposite. When he was told that the Government were pursuing a re-actionary policy on the question of education, it passed



by him like the idle wind which he regarded not. The question now before the House had nothing whatever to do with religion. It was whether school boards were necessary or not, and whether that, when they were not necessary, parishes should be relieved from them. In order to give effect to their taunts hon. Members opposite had assumed that the two excellent Representatives of Bury St. Edmund's were leaders of the great Conservative Party. He had great respect for the honesty of his hon. Friend (Mr. Greene), and was sure that when he made his general observations, he had regard to the question of justice alone, and did not think of re-action. The hon. Member for Burnley had quoted Lord Palmerston, and said the dirty Party and the religious Party were generally connected, but the sanitary question had nothing to do with the matter, and under the provisions of the Bill the dirty Party, or the non-education Party, would have little chance of success. In fact, the right hon. Member for Bradford admitted that the Bill contained provisions of effective compulsion for education; and although he wished for something better, he was bound to admit that as one of the clauses now stood it would make a very considerable advance in education. What, therefore, was the position? The noble Lord the Vice President of the Council had brought in a Bill for the spread of education throughout the country, and hon. Members opposite said they had supported it up to a certain point. That was not exactly the case. At all events, they had not done so as a body. They admitted that the Bill was calculated to advance education; and there was now a scheme on foot which, so far from confining school boards to places where they at present existed, took the power of extending them to every district in the country, so that in every parish the majority might call for school boards if they wished. Where, then, was the reality or justice of the taunt which said—"You are retarding education, and setting yourselves against it?" It seemed to him that the attack on that ground was wholly without foundation. Well, the hon. Member for Burnley wound up by reading an article from the *The Church Quarterly Review*, and endeavoured to make hon. Members at that side of the House responsible for every word of that article.

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For his part he must decline to be bound by what was stated in any magazine, although he had no doubt there was a great deal of truth in the article in question. The hon. Member went on to say that if the Church of England was going to stretch out her hand everywhere to exercise power or to receive money—which she could not do under the clause—the result would be to unite the great Liberal Party to procure the disestablishment of the Church and to throw her upon her own resources. Well, the time might come when the Party opposite might band together for that crusade, and for that crusade he would wait. For the present he was content to say that the Government had presented to the House an honest Bill, and they believed they were in no wise impairing the honesty or force of that Bill by tendering as they did to his hon. Friend the Member for South Leicestershire (Mr. Pell) in a sense of equity and justice, a hearty support.

MR. W. E. FORSTER said, he was anxious to go back to the purely educational aspect of the matter, and to explain why he and many others who thought with him were, upon solely educational grounds, strongly opposed to the clause. The right hon. Gentleman, in alluding to the previous history of the Bill, hardly did justice to hon. Members on that side of the House. He spoke of the hon. Member for Sheffield (Mr. Mundella) as if he had opposed the second reading. No opposition was offered to that stage, and the opposition subsequently offered was consistent with a general support of the Bill. The division which was taken on the Motion of his hon. Friend the Member for Burnley (Mr. Rylands), also, was justified by the Amendments which were made in the Bill, as a concession to opinions expressed on both sides of the House. Then again, in Committee, the sole view of hon. Members was to secure as good a Bill as possible. Why, then, was the position so changed by this clause? He certainly thought the right hon. Gentleman would have stated the grievance which was to be met and the cases which required the operation of the clause. Some isolated cases had been mentioned, but they were not sufficient to call for such a provision, and the argument had never been answered that the clause would affect very many cases that ought to be let alone.

The right hon. Gentleman said—"We will find you a substitute for the powers which are taken away;" but in the case of Stockport, Cambridge, and Kendal, for instance, no substitute whatever was provided. What was feared was, that in places where the school boards were doing good work, the clause would lead to agitation and a combination of all who for any reason were opposed to school boards with a view to have them dissolved. This was all the more likely from the fact—which he would admit—that school boards were not popular. That unpopularity, however, existed only to a certain degree, and might be accounted for, if they considered that school boards could not have done their duty without earning some unpopularity; but he should never have expected the Education Minister to threaten that if they opposed the clause, he would retail every insinuation which the Inspectors had heard against the school boards. Those who opposed the clause had no particular love for school boards, but were anxious to maintain the principle that the inhabitants of a locality should elect persons to look after education, believing that upon such a principle they must rely for the success of education in this country. Parliament should be prepared to abide by the compromise of 1870; and while saying that where a district could do without a school board, it should not be interfered with, he should strongly object to a clause which would virtually upset everything that the Act of 1870 had done. With regard to the discretion to be given to the Education Department, he thought hon. Members ought not to be blamed if they declined to repose unlimited confidence in that Department. In many a rural parish where a school had been voluntarily transferred to a school board, the influence of neighbouring parishes would, in the event of this clause being passed, be exerted to procure the re-transfer of the school to its original owners. What cause, he should like to know, was there for such an agitation? Was it worth while to spend more time in discussing a clause which could not be passed? It was not too late for the Government to clothe the new authority with the necessary organizing power, and then they would hear very little more of the opposition. Dissenters in the country had much more confidence in school

boards than in voluntary teaching, and where there was a considerable number of Dissenters in school board-districts they had obtained almost a vested right in school boards, and Government had no right to take from them that protection even by a vote of the majority. With reference to the remarks of the hon. Member for Roscommon (the O'Connor Don) he must express a doubt whether the clause would be received with satisfaction by the Catholics in towns like Manchester and Birmingham, because the Catholics were there represented on the school boards, and it was very doubtful whether they would be represented for educational purposes in the Town Councils. The principle of Church and State was involved in the proposal and it was opposed by his side of the House, because they thought it would discourage the rate system as compared with the denominational system. He appealed to the Government whether it was worth their while to risk the failure of their Bill by insisting upon the retention of the clause. The Government might depend upon it that in the long run this step on their part would be found not to be a popular one, and that instead of enhancing, it would gradually diminish the usefulness of the measure.

Question put.

The Committee *divided*:—Ayes 221; Noes 140: Majority 81.

MR. W. E. FORSTER moved, as an Amendment, to the proposed new clause, to insert at the beginning, the words—

"Where a School Board has been formed under sub-section one of section twelve of The Elementary Education Act, 1870."

The clause had been supported upon the ground that where there had been voluntary action in the formation of a board there ought to be voluntary action in getting rid of it, and this Amendment would confine the operation of the clause to such cases. If the limitation were not introduced, the right to dissolve school boards might be taken as applying more widely than perhaps it was meant to do.

MR. PELL hoped that the Government would not accede to the Amendment, as it would very much restrict the operation of the clause.

MR. W. E. FORSTER said, that by far the largest number of important school boards had been voluntarily formed; but still many had been established compulsorily, and there would be great danger in allowing the clause to apply to the latter.

VISCOUNT SANDON declined to accept the Amendment, which he did not think would be in accordance with the vote to which the Committee had just come. Moreover, it would not meet cases where schools had been re-transferred to their original owners, and where, consequently, school boards were left with nothing to do.

MR. W. E. FORSTER said, that to meet some objections which he understood were entertained, he would ask leave to amend the Amendment by leaving out the words "sub-section one."

MR. FAWCETT thought that they ought not to be asked to go on with the clause that night. They had all along been told that it was simply meant to give the ratepayers power to rescind their decision to create a school board; but now it was found that the new clause would go far beyond that. He did not wish to impede the progress of the Bill, but he considered it unprecedented that great principles should be imported into a Bill after it had passed its second reading, and was on the eve of becoming law.

MR. OSBORNE MORGAN said, as there seemed to be considerable confusion regarding the effect of the Amendment, he thought they should have further time for its consideration, and would move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Osborne Morgan.*)

THE CHANCELLOR OF THE EXCHEQUER pointed out that there would be none of the dangers which some hon. Members anticipated from the clause the House had just adopted, and considered the Amendment unnecessary.

MR. W. E. FORSTER hoped the Chancellor of the Exchequer would consent to his Amendment, as his only objection to it was that he thought the object he had in view was already provided for by the Bill.

VISCOUNT SANDON said, they had had rather a heavy evening, and therefore he would consent to the Motion.

Question put, and agreed to.

House resumed.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

#### POLLUTION OF RIVERS BILL.

(*Mr. Selater-Booth, Mr. Salt.*)

[BILL 186.] SECOND READING.

#### ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [22nd June], "That the Bill be now read a second time."—(*Mr. Selater-Booth.*)

Question again proposed.

Debate resumed.

SIR CHARLES W. DILKE hoped that the Bill would not be proceeded with at that late hour (10 minutes past 12). He considered that, if the Amendments proposed by the Government were introduced, the Bill would not affect the object in view, and he believed its principal supporters were certain Scotch manufacturers who thought that if it passed they would be able to pollute the rivers as much as they pleased. He was sure that those who had given their attention to the pollution of rivers must know that the prevention must be attended with considerable expense to those manufacturers who, for the purposes of their manufactures, first polluted them. The Bill had been so altered by Amendments that it was by no means the same Bill. The whole construction of the Bill would depend upon the interpretation put upon the words "reasonable cost." He would not move to report Progress; but, if necessary, doubtless some other hon. Member would make such a Motion.

MR. WHITWELL supported the Motion. The Bill had far better be carried, than that nothing should be done for the purification of rivers for another Session. He considered it most essential to the health of the country, inasmuch as infection, it was well known, was carried along the stream of polluted rivers. He could not agree with the hon. Baronet the Member for Chelsea in his opposition to the second reading

of the Bill; and with regard to the manufacturers, for whom he expressed so much interest, he did not see that they were to be considered more than other people. He hoped Parliament would pass the Bill that Session. What the Government proposed to do was quite reasonable; it was that the Bill might be read a second time with a view to the introduction of Amendments which they had well considered since the debate had been adjourned, and which, when printed, hon. Members would be better able to understand than they could do at present.

MR. ORR EWING hoped the opposition to the Bill would be withdrawn, and a hearty endeavour made to pass it that Session. It was an excellent Bill, and if passed into law would effect a great improvement.

MR. LYON PLAYFAIR said, the Bill was in the interest of both the traders and the manufacturers. The subject of pollution of rivers was considered so important that it was mentioned in the Queen's Speech last year, and it was to be regretted that it was not brought in until the end of the Session. The House was no doubt aware that there had been a Royal Commission sitting on the subject for some years, and that Commission had decided on a Report. A Select Committee of the House of Lords had also inquired into the subject, and had made a Report upon it, but there was not a single one of the recommendations of that Committee included in the Bill. He asked what chance such a measure as that would have if it reached the House of Lords, where it was directly opposed to the views of the Royal Commission, and did not incorporate a single recommendation of the Committee of that House? The President of the Local Government Board wished the House to pass the Bill in silence. ["No, no!"] Well, the right hon. Gentleman had not explained what the new Amendments were to be, and the Bill was getting changed since it was first brought into the House. He considered that they would simply be wasting time to discuss the measure at that period of the Session, and therefore hoped it would not be proceeded with.

MR. HERMON would rather have no Bill than an imperfect one, but this was a Bill which was greatly required

and called for in the North of England, and he hoped the House would consent to the second reading; at the same time he hoped the Amendments would be very carefully scrutinized in Committee, as he looked upon some of them with suspicion.

MR. STEVENSON also supported the second reading.

MR. NEWDEGATE was most anxious that the Bill should be passed, because the supposed indifference of the House upon the subject was in itself an obstruction to putting even the provisions of the present defective law into force. By passing the Bill, the House would remove an impression that that pollution could be carried on with impunity.

MR. YEAMAN thought the Bill in its present shape too stringent, but if the 16th clause were omitted, and certain other modifications made, he should not oppose the second reading. He advocated uniformity of legislation for England, Scotland, and Ireland, and the compulsory acquisition of land to enable manufacturers to purify refuse.

MR. M'LAGAN considered it very desirable that the second reading should be agreed to, in order that the various Amendments which were in contemplation might be placed before the House.

LORD FREDERICK CAYENDISH said, it was impossible that a Bill on such a difficult and complicated question requiring such careful consideration could pass during the remainder of the Session. It could only be passed by satisfying all the manufacturers and traders who were engaged in polluting rivers, and would then be an obstruction to really useful legislation.

COLONEL MURE hoped that the Bill would pass a second reading. The deputations, so many of which had come up to London, were at first opposed to this Bill; but they had at last come to the conclusion that while it would prevent the pollution of rivers, it would not be oppressive to the manufacturing and other interests concerned. In Scotland there was a general desire to see the measure passed, as the present law had not succeeded in purifying the rivers.

MR. DILLWYN wished that a Bill with this object should pass, but then he wished it to be a good Bill, and they were not likely to have a good Bill when they were discussing it at that

period of the Session, and at that time of night (a quarter to 1 o'clock). He would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."  
—(Mr. Dillwyn.)

MR. SCLATER-BOOTH hoped that the hon. Gentleman opposite (Mr. Dillwyn) would not press his Motion. The subject had been under his consideration for two years, and he felt sure that no initial measure could be passed that was not in some degree a skeleton Bill. If the measure were postponed, the House might spend six weeks or two months next Session without passing a more complete and effective Bill than the present. The manufacturers of several towns which had at first opposed the measure were now anxious that it should pass, and that there should be a uniform provision for the whole of the Kingdom, making it a statutory offence to pollute rivers. No one would think of legislating on the subject without due safeguards for the protection of the manufacturing and other interests involved. In future years there might be special tribunals and Conservancy Boards to take in charge the improvement of the rivers of the Kingdom from their sources; but the initial measure must be some such a Bill as the present. It was impossible to exaggerate the importance in regard to the water supply of this country of keeping the sources of rivers free from pollution, and this Bill would do more to improve the purity of the domestic supply of water than any other measure that could be proposed. The House would incur a vast responsibility if it rejected this Bill. The important thing was to get the obligation of law placed upon the sanitary authorities, the owners of mines and manufacturing, and private individuals in every district, and there was now a *bond fide* desire in the very centres of manufacturing industry that this general obligation of law should be imposed.

SIR WILLIAM HARCOURT said, he was not opposed to the second reading of the Bill with a view to the introduction of the Amendments to which the right hon. Gentleman had referred; but it was necessary that the measure in its new shape should be fully discussed on going into Committee.

Mr. Dillwyn

In reply to Sir CHARLES W. DILKE,

MR. SCLATER-BOOTH said, the Bill would be reprinted, and be in the hands of hon. Members by Wednesday morning at latest.

Motion, by leave, *withdrawn*.

Question put, and *agreed to*.

Bill read a second time, and *committed* for *To-morrow*, at Two of the clock.

#### POLICE (EXPENSES) ACT CONTINUANCE BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to continue for one year "The Police (Expenses) Act, 1875," *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 268.]

#### SAVINGS BANKS (BARRISTER) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Law respecting the powers and duties vested in the Barrister appointed to certify the Rules of Savings Banks, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. ATTORNEY GENERAL.

Bill *presented*, and read the first time. [Bill 269.]

House adjourned at a quarter before Three o'clock.

## HOUSE OF LORDS

Tuesday, 25th July, 1876.

MINUTES.]—*Sat First in Parliament*—~~the~~  
Lord Hylton, after the Death of his Fa-  
PUBLIC BILLS—*First Reading*—Erne Lou-  
River \* (189); Metropolitan Board of  
(Loans) \* (190).  
*Second Reading*—Medical Act (Qualific-  
(184); Clean Rivers (182).  
Committee—Notices to Quit (Ireland) \*  
(188).  
Committee—Report—Nullum Tempus (Irel-  
(171); Turnpike Acts Continuance \*  
Orphan and Deserted Children (Irel-  
(180).  
Report—Legal Practitioners (Ireland) \* (170).  
*Third Reading*—Bankers' Books Evi-  
(159); Queen Anne's Bounty \* (141); ~~Surge~~  
(Scotland) Gas Supply \* (172), and *passed*.

## MEDICAL ACT (QUALIFICATIONS) BILL.

*(The Earl of Shaftesbury.)*

[No. 184] SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF SHAFTESBURY, in moving that the Bill be now read the second time, said, its object was to remove restrictions on the granting of qualifications for registration under the Medical Act on the ground of sex. The Bill, therefore, provided that the powers of every body, entitled under the Medical Act to grant such qualifications, should extend to give them to all persons without distinction of sex; but it was provided that no person who, except for this Act, would not have been entitled to be registered, should, by reason of such registration, take part in the government of the Universities or corporations mentioned in the Medical Act. He moved that the Bill, which had come up from the Commons, be now read a second time.

Motion *agreed to*; Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

## CLEAN RIVERS BILL.—[No. 182.]

*(The Duke of Buccleuch.)*

SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF BUCCLEUCH, in moving that the Bill be now read the second time, said, that after the very full discussion which took place during last Session on the Bill which was brought in by the noble Marquess the Secretary the State for India, it was evident there was an absolute necessity that something should be done to prevent the wholesale pollution of the rivers of this country. The present Bill did not go beyond the prevention of the pollution of rivers which were at present unpolluted. Its provisions were simple. It provided that every person who should cause or permit to fall or flow, or put or permit to be carried into any clean river, or any clean part of a river, any polluting matter, should be deemed to have committed an offence against the Act. This prohibition was to be enforced by summary

order of the County Court of the district in which the offence was committed, and the person making default in complying with the order of the County Court, made himself liable to a penalty not exceeding £50 a-day for every day during which he was in default, and in the event of non-compliance with the order for one month, the Court might order the necessary steps to be taken to carry their order into effect, and award the expenses to the persons employed as a debt. An appeal was given to the High Court of Justice. The Act was made applicable to Scotland, but not to Ireland. He thought that as every question which had given rise to controversy in respect of previous Bills had been excluded from this, their Lordships would not hesitate to give it a second reading. The noble Duke concluded by moving that the Bill be now read the second time.

Motion *agreed to*; Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

House adjourned at Seven o'clock, till *Thursday* next, Eleven o'clock.

## HOUSE OF COMMONS,

*Tuesday, 25th July, 1876.*

MINUTES.]—NEW WRIT ISSUED—*For New Shoreham, v. Sir Percy Burrell, baronet, deceased.*

Committee—Elementary Education [155]—R.P.; Winter Assizes \* [245]—R.P.

Committee—Report—Pollution of Rivers \* [186-272].

Considered as amended—Cattle Disease (Ireland) \* [94].

Withdrawn—Intoxicating Liquors (Licensing Law Amendment) (No. 2) \* [116].

The House met at Two of the clock.

ST. STEPHEN'S GREEN, DUBLIN.

QUESTION.

MR. M. BROOKS asked the Chief Secretary for Ireland, Whether Her Majesty's Government, having recently intimated its willingness to recommend to Parliament the grant of an annual sum of £600 for the maintenance of St. Stephen's Green, Dublin, as a public or

people's park, on conditions, among others, that the Corporation of that City should forego a yearly rent of £276 now receivable thereout, and should also contribute a sum of £600 annually, will recommend that, subject to such regulations as Parliament may approve, the control of said public or people's park, and the expenditure of the said Parliamentary grant be entrusted to the Lord Mayor and Corporation of said City; and, whether a precedent for such a course is not to be found in the Parliamentary grant to the Royal Dublin Society for the maintenance of the Leinster lawn?

**SIR MICHAEL HICKS - BEACH :** The hon. Member's Question is based on the hypothesis that St. Stephen's Green is, or will be, a public or people's park. It is not so at present. Whether it will eventually become so is a matter for Parliament to decide, if the parties who are desirous it should become a public park make application to Parliament. If the Corporation of Dublin were to obtain a private Act vesting the Green in them as a "Public or People's Park," and giving them control thereof, it would be open to the Government to consider any application which might be made by the Corporation for a grant towards its maintenance as such; but it seems to me premature to express an opinion on the subject now. I cannot, however, admit that a precedent for such a course would be found in the grant to the Royal Dublin Society for the maintenance of Leinster Lawn; that is a small garden in the possession of the Royal Dublin Society, and bounded on three sides by the buildings of the Society and of the Government. St. Stephen's Green is, by the terms of the hon. Member's Question, an area of such size as to deserve the name of a park, and bordered by property belonging to a great number of owners.

#### PUBLIC HEALTH—VACCINATION ACT— CASE OF MR. PEARCE.—QUESTION.

**MR. P. A. TAYLOR** asked the President of the Local Government Board, If he is aware that another summons has been issued against Mr. Pearce, of Andover, for non-compliance with the Vaccination Act, he having already suffered twenty-two previous convictions; and

whether he proposes to take any steps in the matter?

**MR. SCLATER - BOOTH,** in reply, said, he was aware that Mr. Pearce had been prosecuted a number of times for non-compliance with the provisions of the Vaccination Act. He received a complaint from Mr. Pearce in the autumn of last year, upon which he communicated with the Guardians, and their reply was that Mr. Pearce was a member of the Anti-Vaccination Society, and that they presumed the society paid the fines in his case. He communicated the views of the Local Government Board upon the subject to the Board of Guardians, which were similar to those addressed to the Evesham Guardians on the previous occasion. In May last Mr. Pearce complained of his being subjected to persecution by the Guardians, and stated that two children had then died in Andover, and that two were dying from the effects of vaccination. He caused a special inquiry to be made into the truth of the allegation by a competent medical officer, who afterwards reported that there was no reason to suppose that the deaths of these two children were caused by vaccination. He had no intention of entering further on this case, and so the Guardians had been informed. But the whole subject was one of great difficulty, and was constantly under his notice, and he could not but hope that some means would be devised by-and-by to reconcile the due execution of the law with some modification of the punishment provided for its infringement.

#### IRISH CHURCH BODY—EMLY CATHEDRAL CHURCH—QUESTION.

**CAPTAIN NOLAN** (for **MR. ARTHUR MOORE**) asked the Chief Secretary for Ireland, Whether he is aware that the late Cathedral Church of Emly, built on the site of the ancient Roman Catholic Cathedral, and in recent times, until some seven years since, used as a place of worship of the United Church of England and Ireland, has since remained unused, there not being a single Protestant in the parish, and is fast falling into complete decay; while the Irish Church Body, in whom it is at present vested, and the Diocesan Council of Emly, consider that, although they have no use for it, they have yet no power

under their Statutes to sell it for the purposes of a place of Roman Catholic worship, or site therefor; whether the attention of Her Majesty's Government has been called to a recent correspondence between the Secretary of the Irish Church Body and the Secretary of the Diocesan Council of Emly, on the one hand, and the present Roman Catholic Parish Priest of Emly on the other hand, seeking, on behalf of the Roman Catholic people of the parish, to purchase the same for Roman Catholic purposes, in which the refusal of the former to sell the same for such purpose is based solely upon their inability to do so; and, whether such inability exists at present in fact; if so, whether Her Majesty's Government are prepared to amend the Irish Church Act, so far to remove such inability?

SIR MICHAEL HICKS-BEACH: I believe that at the last Census there were 18 Episcopalian Protestants in the parish of Emly; but I know nothing of the circumstances stated in the hon. Member's Question, nor of the correspondence to which he refers. The Government have no control over the Representative Body of the Irish Church, and I presume that if that Body desired an alteration in the law for the purpose of enabling them to act in the manner suggested in the Question, they would propose some legislation on this subject, as they have already done in the past Sessions in other matters affecting them, through members of their Body who are also hon. Members of this House.

CAPTAIN NOLAN: As the Chief Secretary has not answered the latter part of the Question, I beg to give Notice that I shall on Thursday next ask the Solicitor General for Ireland whether it is legal for the Irish Episcopal Church or any of its bodies to sell ecclesiastical edifices which have fallen into disuse?

#### DOVER PIER—ENGLISH AND FOREIGN MAIL BOATS.—QUESTION.

MR. HAYTER asked the President of the Board of Trade, Whether the Government will erect another landing stage at the Dover Pier, to enable English steamers to run alongside, since the present piers are occupied by the Mail Boats running between Dover and Calais, and these boats are under a foreign flag; and whether he is aware,

that in consequence of their running under a foreign flag, they can take as many passengers as they please, to the great danger of those passengers, while English steamers are properly restricted by the Board of Trade to a fixed number?

SIR CHARLES ADDERLEY: There are two available landing stages at the Dover Pier, and there is no intention at present of going to the expense of any more. It is only at the times of embarking or landing mails and passengers that they are occupied by the mail boats running between Dover and Calais and between Dover and Ostend. At all other times they are available for the use of other vessels, and every endeavour is made to accommodate all who require to come alongside. The vessels which carry the Calais night mails are under the English flag, those which carry the Calais day mails are under the French flag, and those carrying the Ostend day and night mails are under the Belgian flag. There is no restriction as to the number of passengers in the Belgian boats, but the number of passengers is seldom large, the average for last month being 58. The vessels under the French flag cannot legally take as many passengers as they please, the French certificate restricting them to 450. The English certificate for the same vessels would have been 500.

#### BRUSSELS INTERNATIONAL EXHIBITION.—QUESTION.

MR. J. R. YORKE asked Mr. Chancellor of the Exchequer, Whether, seeing that the various Government Departments have contributed by their exhibits to the Brussels International Exhibition, and have arranged for the visits of special Commissioners to report upon the Exhibition, in order to avail themselves thereby of its advantages, it is still the intention of Her Majesty's Government to throw upon private individuals the cost of the Government exhibits?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the Exhibition had been entirely of a voluntary character; no grant had been given towards it even by the Belgian Government; and the British Government did not think it desirable to break through the rule which they had made not to grant any public money for the purpose referred to.



## NAVY—H.M.S. "THUNDERER."

## QUESTIONS.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether his attention has been drawn to a report in the "Times" of the 22nd inst. of a statement made on the previous day by the Coroner to the jury summoned to inquire into the cause of the death of several victims of the catastrophe on board H.M.S. "Thunderer," on the 14th inst., as follows:—

"A few days ago Captain Waddilove had informed the Admiral that the contractors were desirous of being permitted to clean the engines. The Admiral had communicated with him, and, as he knew that the jury were willing that the requisite permission should be granted, he had given it, but with the precaution that an officer should be present during the cleaning to see that the stokehole was not interfered with. It was very necessary that the machinery should be cleaned, because the engines in a ship like the 'Thunderer' cost as much as a ship of war did in the past ;"

and, whether such admission to the engine-room really took place; and, if so, whether the officials of the Constructors' Department approve of such admission, and have made any report thereon?

MR. HUNT, in reply, said, he had not seen the paragraph to which his hon. Friend referred; but in consequence of this Question and another by the hon. Member for Glasgow, he telegraphed to Portsmouth for full information on the subject, but no answer had been received when he left the office a few minutes ago. He had heard, however, that the contractors were desirous of being permitted to clean the engines, as it was apprehended that the great quantity of vapour which had escaped into the engine-room might cause considerable damage, but that that desire had not been carried out. It would be a mistake to suppose that admission to the engine-room implied admission to the stoke-hole. There were doors between them, which were closed, and a sentry was placed there, and no one was admitted without the Coroner's sanction being first obtained.

MR. ANDERSON asked the First Lord of the Admiralty, Whether the inquest regarding the "Thunderer" explosion is being conducted by the same coroner who conducted the first "Mistletoe" inquiry; whether that person still holds both the office of Public Coroner and of Admiralty Solicitor; what steps,

if any, have been taken to ensure an impartial inquiry; whether it be not the fact, as stated in the "Times" of Saturday, that that official has already permitted some parties who may be implicated in the result of the inquest to have access to the engine-rooms, previous to the inspection by the jury; and, whether he cannot take steps to put the inquiry in the hands of some coroner who is not in the employment of the Admiralty?

MR. HUNT said, that the Question of the hon. Member was on the assumption that the Admiralty had something to do with the Coroner's inquisitions. The Admiralty had nothing whatever to do with Coroners; and as the hon. Member came from a country where there was no such institution as a Coroner, he might inform him that a Coroner was a public officer elected by the freeholders, of the jurisdiction within which he acted. In that case Mr. Harvey was the Coroner for Hampshire; he did not know for what division, but he sat as the county Coroner, and had been elected by the freeholders, and the Admiralty had no power to interfere with him or to say how he was to discharge his commission. He had no reason to doubt that Mr. Harvey was the same gentleman who presided over the inquiry in the case of the *Mistletoe*. Mr. Harvey was employed by the Solicitor to the Admiralty as law agent for local purposes. He was not a salaried officer, but was paid by fees for whatever work was done. With regard to the third part of the Question he understood from the Home Office that sanction had been given to the Coroner having as assessor a gentleman who was an expert in boilers to assist him in the inquiry at the public expense. With regard to the last part of the Question he had no power whatever to interfere; but he had intimated to the Coroner that the Admiralty would give every assistance for the inquiry, and would send down persons connected with the Admiralty, and also persons not so connected, to give him every aid that might be required.

MR. ASSHETON CROSS: Perhaps I may be allowed, after the statement of my right hon. Friend, to say that the Coroner applied to the Home Office that some one should be appointed to assist him in the inspection, but I declined to appoint any one, because I thought the

inquiry ought to be entirely independent. The Coroner represented that he had no funds, and that the county declined to bear the burden. I told him I had the concurrence of the Chancellor of the Exchequer in stating that funds would be placed at his disposal; but he must clearly understand that the sole responsibility of the choice of the person to assist in the inspection and the conduct of the inquiry must fall on himself.

#### INDIA—ROMAN CATHOLIC CATHEDRALS.—QUESTIONS.

**MR. WHALLEY** asked the Under Secretary of State for India, with reference to a statement appearing in an Indian newspaper called "The Englishman," that a grant made by the Lieutenant Governor of the North West Provinces of 12,000 rupees towards the construction of a Roman Catholic Cathedral having been brought to the notice of the Viceroy, Whether it is the fact that 12,000 rupees has been granted by the Lieutenant Governor of the North West Provinces towards the construction of a Roman Catholic Cathedral; and, if so, whether such grant has been submitted for the approval of the Government, or in any case is an appropriation of public money approved of by Her Majesty's Government? The hon. Member expressed his disappointment that since he had given Notice of it, the Question had been somewhat curtailed, and he explained that the omitted portion stated that the Viceroy had administered to an official and formal protest made to him on this subject a most cathartic rebuke. ["Order!"]

**MR. SPEAKER** pointed out that the hon. Member was now endeavouring to include the very point which had already been excluded from the Question.

**LORD GEORGE HAMILTON:** We have no information upon this subject except what we have derived from Indian newspapers. I think it probable that the statement is correct, inasmuch as the Indian Government has always admitted its obligation, under certain conditions, to contribute towards the construction and repair of places of worship frequented by the Military and Civil Services.

**MR. WHALLEY** then asked the noble Lord, Whether he had received any communication from the Viceroy expressing

indignation and rebuke towards certain Protestant parties who had made representations to him?

**LORD GEORGE HAMILTON:** We have no Papers.

#### ELEMENTARY EDUCATION BILL.

[BILL 155.]

(*Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Assheton Cross.*)

COMMITTEE. [*Progress 24th July.*]

Bill considered in Committee.

(In the Committee.)

#### New Clause—

(Dissolution of School Board under certain circumstances.)

("Where application for the dissolution of a School Board is made to the Education Department by the like persons and in the like manner as an application for the formation of a School Board, under section twelve of 'The Elementary Education Act, 1870,' and the Education Department, are satisfied that no school and no site for a school is in the possession or under the control of the School Board, and that there is a sufficient amount of public school accommodation for the district of the School Board, the Education Department may, after such notice as they think sufficient, order the dissolution of the School Board.

"The Education Department by any such order shall make provision for the disposal of all money, furniture, books, documents, and property belonging to the School Board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the department necessary or proper for carrying into effect the dissolution of the board.

"The Education Department shall publish the order in manner directed by 'The Elementary Education Act, 1873,' with respect to the publication of notices, and after the date of such publication or any later date mentioned in the order, the order shall have effect as if it were enacted by Parliament, without prejudice nevertheless to the subsequent formation of a School Board in the same school district. All bye-laws previously made by the School Board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act,")—(*Mr. Pell.*)

Amendment proposed, at the beginning of the Clause, to insert the words

"Where a School Board has been formed under sub-section one of section twelve of 'The Elementary Education Act, 1870,' and."—(*Mr. William Edward Forster.*)

Question again proposed, "That those words be there inserted."

Amendment made to the proposed Amendment, by leaving out the words "sub-section one of."—(*Mr. William Edward Forster.*)

## Question proposed,

"That the words 'Where a School Board has been formed under section twelve of 'The Elementary Education Act, 1870,' and,' be there inserted."

MR. PELL expressed a hope that the right hon. Gentleman opposite (Mr. Forster) would not press his Amendment after virtually accepting the principle of the clause last night. The Amendment would limit the operation of the clause to something like half-a-dozen school boards.

MR. ROEBUCK entered a strong protest against any enlargement of the Motion, and urged that the Committee should keep to the principle on which the sanction of a majority of the House had been given to the clause. Therefore, in his opinion, the Amendment proposed by the right hon. Gentleman ought to be entertained by the Committee, as, in his opinion, any other course would not be honest, but an evasion of the explanation which the proposer of the clause was understood to give. Without his Amendment the clause which had been adopted would very much delay, if not frustrate entirely, the chief object of the Act of 1870—namely, to secure sufficient schools throughout the country.

MR. J. G. HUBBARD said, there were two classes of school boards—namely, the voluntarily and compulsorily-formed school boards. He did not think his hon. Friend (Mr. Pell) intended to say that only those should be capable of being removed which the direct action of the ratepayers had brought into existence.

MR. FORSYTH, in opposing the Amendment, said, he regretted to see that the once great Liberal Party had been reduced to such a state of impotence and distraction that the only possible means they could find of obtaining a temporary union was by manufacturing an imaginary grievance and making a mountain out of a mole-hill.

MR. W. E. FORSTER doubted very much whether the hon. Gentleman who had just sat down and those who thought with him would act as they had done and freely scatter charges of insincerity if they had taken the kind of interest in the work of education which he had been obliged to take. And he might just suggest to hon. Gentlemen opposite that to make insinuations would not tend to

shorten the debate. He took a very sad view of the clause, and it was just possible he had gone too far in the way of concession in his Amendment. Most undoubtedly the main argument used to press the clause upon the acceptance of the Committee was, that it was considered reasonable to give districts which had voluntarily-formed school boards the right to get rid of them if they chose. The number of cases in which this power would be used would, he had no doubt, be very limited; but if the clause were to go forth without this guarded exception, they might be prepared for a very different result. The clause as it stood would simply, he would not say destroy, but frustrate the great object of the Act of 1870, which was to supply the country with efficient schools.

MR. GATHORNE HARDY: I must be allowed to free the Government from all charge of having procured the passing of this clause by a sort of false pretence—that we desired it to apply to both kinds of school boards, whereas we represented it as meant merely for voluntarily-formed boards. The clause was distinctly meant to apply to compulsorily-formed school boards. I myself most distinctly asserted that principle and argued upon it.

MR. RYLANDS said, in the course of a number of speeches, made by many hon. Gentlemen, including the hon. Member for South Leicestershire (Mr. Pell), and the noble Lord who had charge of the Bill, the burden of the argument of hon. Gentlemen on the Conservative side of the House seemed to be that these school boards, having been formed by the voluntary desire of the particular districts in which they had been established, it was only reasonable that the ratepayers should be allowed to change their mind, and relieve themselves of the obligations placed on their shoulders. Hon. Members opposite seemed to recommend the clause upon those grounds. Those on the Opposition side wished to restrict the operation of the clause, and considered they had a perfect right to call on them to accept the Amendment of his right hon. Friend the Member for Bradford (Mr. W. E. Forster). He wished to point out to the noble Lord that it was not their desire to carry on a discussion on the clause in an unreasonable manner, and hoped to see a desire on the part of the Government to

meet them fairly. Hon. Gentlemen seemed to think that the opponents to the clause were making "much ado about nothing;" but he wished to remind the Committee that there was a great deal involved in the clause, and they said that the Government, finding there was such a strong feeling on that side of the House, might with propriety consider how they could meet them. The hon. and learned Gentleman opposite (Mr. Forsyth) had said just now that he thought that the Liberal Party had got into a miserable condition when they sought to unite on a matter of this character; but he could tell the hon. and learned Gentleman that the Party had united because they were entirely opposed to the views of the Government. The Liberal Party were not prepared to support measures which tended to promote the advantage of particular religious bodies. The proposal to adopt the Amendment of the right hon. Gentleman the Member for Chester (Mr. Dodson) was really no advantage at all, because they did not accept that as any compromise. They believed that the effect of that Amendment would be simply *nil*, because it left it entirely in the discretion of the Education Department to suppress school boards. In the Act of 1870, to which attention had been more than once directed, there was a clause of very great importance; under that clause the Education Department, if it considered it necessary in any locality, gave notice that it was intended to make inquiries whether there was sufficient educational accommodation. After careful inquiry, if it was found that there was not sufficient educational accommodation, the Education Department gave notice for the district to provide the necessary schools. Under the same clause of the Act of 1870, if the district was dissatisfied with what was done by the Education Department, they had power to demand a special inquiry, and after that inquiry, most carefully conducted, had been held, the Department had a right to call on the locality to provide the wanting accommodation for educational purposes, and after giving a very long notice, if the district did not provide what was requisite, then the Education Department had a right to step in and require that there should be a school board *etc.*

establish the necessary schools. He contended that when a school board had been compulsorily formed after so much care and deliberation, it ought not to be put an end to in the manner proposed by the clause. An hon. Gentleman—he believed the right hon. Gentleman the Chancellor of the Exchequer—directed attention to the fact that under the provisions of the Bill, if any school attendance committee made a default, then the Education Department would come in and act in its stead, and the right hon. Gentleman urged that under the Bill in such cases the necessity for the existence of school boards would be done away with. But inasmuch as under the Bill the default was merely with reference to school attendance, and the default under the Act of 1870 was with reference to school boards, he thought the clause to which the Chancellor of the Exchequer alluded did not at all remove the objection which he had to this clause. The argument of the hon. Member for Leicestershire was that school boards were inconvenient because they were costly. Hon. Members asked why should there be the expense of school boards in districts where there were bodies who might carry out the purposes for which school boards existed? He was quite agreeable to that if hon. Gentlemen on the other side would meet them on this question. If the Committee would give Boards of Guardians and Town Councils the same powers with respect to everything which was now possessed by school boards, he dared to say that the difficulty would be met. But so long as the Government proposed to do away with school boards, and substitute nothing in place of them, he should oppose them, because he believed it would be doing a great injury to the education of this country, and tend to act unfairly with school boards.

MR. E. JENKINS felt that the Bill as it now stood could not be accepted in that House without treason against the Liberal Party. It was time for the Liberal Party to stand together in that House and oppose the re-actionary attempts of the Party opposite. They had at last succeeded in re-uniting the Liberal Party. [*Ironical cheers.*] Well, it was some satisfaction to be able to take some part in that union, though he confessed that, after swallowing six camels they

were now straining at something very like a gnat. The clause proposed to strike directly at the educational system established by the right hon. Gentleman the Member for Bradford in 1870. The speeches of the Secretary of State for War and the noble Lord the Vice President of the Council indicated that their opposition to school boards was a sectarian opposition, based upon bigoted sentiment, and one which ought not to be admitted in a country where the Established Church had no right to claim the supremacy which these Amendments endeavoured to establish for her. He complained that the Opposition had never had the slightest reason to anticipate that there would be sprung upon them at the last moment such an Amendment as that of the hon. Member for South Leicestershire (Mr. Pell). He thought they were entitled to ask the noble Lord also whether he was prepared to accept the further Amendments of the hon. Member?

VISCOUNT SANDON said, at the commencement of his speech, when he explained the views of the Government respecting the Amendment of his hon. Friend the Member for South Leicestershire (Mr. Pell), he stated that the Government distinctly refused to accept the other Amendments which were proposed by his hon. Friend and by various other Members of the House, which proposed to enable localities to get rid of school boards which had schools. The hon. Member was probably absent, or he would have heard it.

MR. E. JENKINS said, it was impossible for hon. Members to be present during the whole of a debate; but he was very sorry if he had misrepresented the noble Lord's views. For his part, he hoped the Bill would be thrown out altogether, and that they would be able to establish a system of national education to give to the children that which the nation alone should teach, leaving it to the energy, and bigotry, and fanaticism, and enthusiasm of the Churches to do that which they could to bring the children under religious education.

MR. E. J. REED hinted that the Government were not dealing with the House quite fairly, and observed that great public discredit would be brought upon the House by the unnecessary determination of the Government to hold to the strictest and severest in-

terpretation not merely of their own clauses, but of those clauses which they adopted from hon. Members below the Gangway. The clause of the hon. Member for South Leicestershire was enforced by the Government on the ground that it was the ratepayers' right to have the power of destroying what they had voluntarily created. Yet they now refused to agree to an Amendment which would limit the operation of the clause to such cases. If the deep feelings of the Opposition were to be treated in that way, and no concessions were made to the strongest wishes of many of its most moderate Members, he should have no hesitation in joining those who would use every Form of the House for obstructing the progress of the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, the principle of the Act of 1870 was to give fair play to voluntary effort, supplementing it by the action of the Department and the compulsory power of the school boards in cases where the school accommodation was insufficient. In this Bill the Government had endeavoured to assist in the development of this voluntary effort. This attempt was entirely consistent with all they had ever proposed or done with regard to education. Their view had always been that where voluntary effort was sufficient, school boards should not be forced upon a reluctant district. It was a logical sequence to this principle that if, after a school board had been forced upon a district, voluntary efforts there were stimulated by public opinion, or possibly by the action of the school board itself, fair play should be given to the district, and it should have the opportunity of saying—"Trust us, and let us now swim without corks." The Amendment of the right hon. Gentleman would not allow a district this opportunity where once it had been necessary to force a school board upon a district.

MR. KNATCHBULL - HUGESSEN would not have risen but for the speech of the Chancellor of the Exchequer against whose interpretation of the Act of 1870 he desired to protest; the intention of the Act of 1870 was to tolerate, but not to encourage voluntary schools, and the intention and belief of the framers of the Act was that gradually a national school-board system would supersede the voluntary system. But

*Mr. E. Jenkins*

inasmuch as the State, for the first time dealing as a State with the education of the people, found a number of voluntary schools doing work which the State had heretofore not undertaken, it was not deemed wise or fair to uproot or unduly to interfere with those voluntary schools. The right hon. Member for Bradford incurred considerable unpopularity on account of the tenderness with which he treated voluntary schools, and the return which he got was, that when those whom he had befriended were in the majority, they endeavoured to assist the voluntary system to supersede the school-board system which he had established. The Chancellor of the Exchequer now openly avowed his wish to see the two systems maintained side by side, and not only that, but to encourage the voluntary system so as to supersede that system which had been deliberately established by Parliament. By the course they had adopted upon the clause the Government had placed themselves upon the horns of a dilemma. The hon. Mover of that clause (Mr. Pell) had spoken of it as a small matter, but it had also been represented from the other side of the House as one of great importance. Thus the clause was a most unfortunate one. Either it was a very important clause, and if so, it ought to have been introduced in the Bill and discussed on the second reading; or it was of little importance, and in that case, it was to be regretted that so much delay had been caused and so much ill-feeling excited for the sake of passing it.

MR. WHITWELL expressed his surprise at the remarks which had fallen from the hon. Member for South Leicestershire in the early part of the discussion. The hon. Member had said that the authority which established a school board ought to have the power of disestablishing it. [MR. PELL: With the approval of the ratepayers of the district.] On the introduction of the clause it was said that the power was to be from below; but now it was contended that the authority which established the board ought to have the power of disestablishing it. He had voted for the second reading of the Bill, but could no longer give it its support.

MR. RICHARD: I am glad that my right hon. Friend the Member for Bradford, and the other occupants of the front Opposition bench, have at length begun to understand the true character

of this measure. I am bound to say this for those hon. and right hon. Gentlemen, that whatever merits or demerits they may possess, they are at least a singularly long-suffering generation, that they display the most wonderful patience and equanimity in hearing the grievances and complaints of their own friends. Some of us within, and a much larger number of their most faithful supporters out of the House, have been trying for a considerable time to awaken them to a sense of the insidious dangers lurking in this Bill. But they chose to turn a deaf ear to our remonstrances, and rather to listen to the suave and skilful eloquence of the noble Lord, whose courtesy and amiability they are never weary of eulogizing. And I must admit that the speech in which the noble Lord introduced this measure was so conciliatory in its tone, and so plausible in its representations that he succeeded in disguising from both sides of the House what we on this side regard as the most obnoxious features of his plan, so that when the Bill came into our hands and we compared it with the speech, we were obliged to say that while the voice had been the voice of Jacob, the hands were the hands of Esau. But after the Bill made its appearance we had no excuse for being misled. I cannot admit, with my hon. and learned Friend the Member for Oxford, that any mine has been sprung upon us. I hold that what is brought out rather more openly and audaciously in the new clauses, was potentially in the Bill in its original form. I ventured to say, in moving my Resolution on going into Committee, that the Bill was a Bill for promoting, not national, but sectarian education; that its tendency, and, indeed, its avowed object, was to discourage in every possible way the establishment of school boards and the liberal and unsectarian schools to which they give rise, and to throw the education of the country more and more into clerical hands, just at the very time when the Romanizing tendency of one class of the clergy, and the fanatical hatred of the Nonconformists on the part of another class, less than ever entitle them to have this solemn and important trust committed to their charge. I maintained that its effects, even before the new clauses were brought forward, was to make a large number of denominational schools independent of voluntary subscriptions, and thus pre-

sent to us the extraordinary anomaly of a large number of institutions, scattered over the whole country, completely supported out of public resources, and virtually under the absolute management and control of private and irresponsible persons, with this enormous aggravation of the anomaly, that you take power to force all the children of the people into these institutions without any adequate securities for the rights of conscience. I stated that there were already many schools up and down the country which did not require, and did not receive, any help from voluntary sources. The noble Lord charged me with stating that there were thousands of schools in that condition, and when I corrected him refused to accept my correction. But the statement which he then ascribed to me, and which I did not make, will be true enough under this Bill, for there will be thousands of schools in that condition. And because I protested against this, you charged me with being actuated by narrow sectarian views. Your theory, then, as I understand it, is this—that to support a measure for taking, by main force, the children of all classes of religionists, and compel them to enter into the schools of one denomination, is a proof of a large, liberal, generous, and catholic disposition; while to oppose that, and claim for parents some right to decide the religious influences under which their children shall be educated, is evidence of a sectarian and intolerant spirit. I contend, on the other hand, that you are sectarian and intolerant, and that we are, as we have ever been, the advocates of religious liberty. I contend, in regard to this clause, that no answer has been given to the numerous able speeches of my right hon. Friend the Member for Bradford. Surely it will be admitted on all sides that there is no man in this House, no man in the country, so competent to appreciate the meaning and object of such a clause as the right hon. Gentleman. He is the founder of the system of school boards, and he sees clearly enough that the tendency—nay, I think I may fairly say the intention—of this clause is to undo incomparably the most important and valuable part of the system with which his name is honourably associated. I fancy my right hon. Friend is learning several things in the course of this discussion. During those long years which he so freely exchanged with

*Mr. Richard*

Gentlemen opposite in 1870, I believe he thought that he was winning them over to Liberal views on education. He flattered himself that by the large and ample concessions he was making to them, and which they professed to receive with so much cordiality and gratitude, he was converting them from the error of their way. But he is beginning to discover that the Ethiopian does not so easily change his skin, nor the leopard his spots, and that the only use they are making of his concessions is to take them as vantage ground from which to overturn the best part of his work. I trust that, at any rate, he will adhere firmly to his Amendment, and so do something to counteract these insidious clauses, which are aimed at the very existence of school boards.

MR. W. E. FORSTER observed that the last thing he should have expected, looking to the understanding that prevailed in 1870, would have been that more time should be given for the action of voluntary schools.

MR. MUNDELLA said, he was not accustomed to trouble the House unless he had something to say. This, however, was a matter on which he felt strongly, and he meant to say what he thought. Upon reflection the conviction had forced itself upon his mind that a more injudicious speech than that in which the noble Lord used covert threats as to what he should reveal against school boards if pressed to do so, he never remembered to have been delivered since he had had a seat in that House. On the 7th of April he (Mr. Mundella) received a letter from one of the most valued Inspectors of the noble Lord's Department, a clergyman of the Church of England, which, as it referred especially to school boards, he would read to the Committee. [*Cries of "Name."*] He should not give the name. While the noble Lord presided over the Education Department he would not give the name of any servant of the Department who differed from the Government; but he (Mr. Mundella) pledged his honour to that House that his correspondent was one of the most efficient Inspectors that the Department ever had. He (Mr. Mundella) would read the letter in which the writer bore his testimony, from personal experience, to a most noble and blessed work for which the school board had been added—

"The dislike of education in itself, the denominational jealousies, the irritation against compulsion, all have united to make the task of the school boards difficult enough, and very little discouragement from the Government would be enough to make their work almost impossible, and certainly prevent the better class of men in our towns and villages from being willing to sit upon them."

[*Cries of "Name."*] He would hand the letter at once to the right hon. Gentleman the Member for Bradford—him, at least, he could trust in educational matters. He would refer to the conduct of the Government in having accepted the clause of the hon. Member for South Leicestershire (Mr. Pell). He asked hon. Gentlemen opposite whether, in their consciences, they were satisfied with what they were now doing with the view of destroying national education? ["Yes, yes."] Even the noble Lord had turned his back upon himself, and had last night made a speech which was inconsistent with what he had uttered when he introduced the Bill.

VISCOUNT SANDON denied the assertion, and hoped the hon. Member would not continue to misrepresent him.

MR. MUNDELLA said, he was not misrepresenting the remarks of the noble Lord. He could produce reports out of almost all the principal newspapers in the Kingdom to show that the noble Lord had been inconsistent. ["Oh, oh!"] He adhered to what he said, and he challenged the noble Lord to disprove it. The noble Lord had told them that he had something in reserve which he hoped he should not be forced to use against the school boards. He challenged the noble Lord to do any such thing. It was not because he would not, perhaps, but he dared not. He knew that the majority of the people and the Press of the country condemned his action in this matter. He did not care whether he pleased the noble Lord or not; for he believed the time had come for men who cared for these things to be plain-spoken, and to tell the Government that it was they alone who were responsible for the discreditable movement which had taken place. The clause was an attack on the Act of 1870, and the way in which it had been taken up was a breach of confidence on the part of the Government.

Question put.

The Committee divided:—Ayes 115;  
No 179; Majority 57.

MR. E. NOEL moved, as an Amendment to Mr. Pell's new clause, after Clause 21, line 2, after "by," leave out to "1870," and insert "nine-tenths of the ratepayers of the district." The object of the Amendment was to show that unless there was a unanimous, or almost unanimous, feeling on the part of the ratepayers, the school boards should not be done away with—they could not be dissolved. That was a most important object, and he hoped the Committee would adopt the Amendment.

MR. PELL said, the effect of the Amendment would be that in places where a school board might have been established by the casting vote of a single ratepayer, the consent of nine-tenths would be necessary to get rid of them. He could not be expected to give his consent to such an Amendment.

SIR GEORGE CAMPBELL was sick and tired with the prolonged storm which had been provoked on this occasion. He thought the matter should and must be settled by a compromise, and that it should take the direction of this Amendment. He would suggest that the consent of three-fourths instead of nine-tenths of the ratepayers should be required.

MR. W. E. FORSTER was inclined to think that the suggestion of the hon. Member for Dumfries was not a bad one, and might with advantage be adopted by the Government.

MR. E. NOEL said, he would willingly accept the proposition of "three-fourths" being inserted instead of "nine-tenths."

MR. MUNTZ approved of the proposal to require the consent of three-fourths.

MR. PLUNKETT expressed a hope that if the Government made a concession in the matter it would be on the understanding that further Amendments would not be pressed.

MR. MORLEY suggested that the majority to be required should not be less than two-thirds.

MR. CLARE READ supported the suggestion—the two-thirds to consist of the ratepayers voting.

MR. EVANS was of opinion that such a compromise should be come to as would provide, as necessary to justify dissolution of a school board, a satisfactory majority.



THE O'CONOR DON said, that although he had supported the clause he thought a bare majority of 1 to get rid of a school board would be unsatisfactory, and he therefore trusted that some compromise would be arrived at.

MR. W. E. FORSTER complained that the Government displayed no desire to meet the Opposition, and their spirit and tone were not calculated to bring about a settlement.

MR. BERESFORD HOPE said, that it was too much to hear such remarks, when they remembered the tone and spirit displayed opposite. After the remarks which they had had to endure from the junior Member for Sheffield, one of the Members for Dundee, and the hon. Member for Pembroke Dockyards, it was making a draught on their credulity, to ask them to believe in the conciliatory spirit of hon. Gentlemen opposite.

VISCOUNT SANDON remarked that the way to invite compromise was not by making use of acrimonious and most hostile language. He was quite willing to put aside personal feeling in the matter; in fact, the subject of the Bill with which they were dealing was far too grave in its character to allow him to be influenced by personal considerations; but it was necessary for him to say something at this stage of the discussion, especially as, during it, his word had not been taken by an hon. Member opposite. He thought his right hon. Friend the Member for Bradford had wrongly understood the position of the Government in this matter. He entirely overlooked the fact that the Government had made very considerable concessions to the arguments and feelings of hon. Gentlemen opposite, and had taken the important step of throwing the onus of considering the particular circumstances of these cases upon the Education Department, which was casting upon it an enormous responsibility. On the part of the Government he was quite willing to assent to the principle that more than a bare majority should be required to dissolve a school board. They might, no doubt, as a matter of argument take their stand very properly upon the exact analogy of the Act of 1870; but he thought that the application to dissolve the board should be a deliberate one, and he would, therefore, propose to insert words in the clause providing that there should be a majority of two-thirds

of those present and voting, which he was free to confess he considered would be a real improvement to the clause.

MR. ROEBUCK: I rise for a personal purpose. Yesterday the noble Lord used my name, and immediately afterwards he spoke of Members who had used strong language and had been acrimonious. I hope I have not used strong language or been acrimonious. Also I trust that the noble Lord in the observations which he has just made does not intend to allude to me.

VISCOUNT SANDON: I need hardly say I never thought of alluding to the hon. and learned Member. The Committee is well aware to what hon. Member I alluded.

MR. WHALLEY, remarking that the noble Lord had taken much credit for his concessions, said he thought it desirable to point out that he was by no means satisfied with this concession. His objection to the clause was that the children of the country would be under clerical influence. [*Laughter and "Order!"*]

THE CHAIRMAN invited the hon. Member to confine his remarks to the Amendment before the House.

MR. WHALLEY thought he was as much in Order as was the noble Lord when he thought fit to accuse hon. Gentlemen on his side of the House of being influenced by acrimonious motives.

SIR GEORGE CAMPBELL accepted the Government Amendment, on the principle that half a loaf was better than no bread.

MR. E. J. REED thought that the Government had shown a very fair and satisfactory disposition in this matter. He certainly did not, in his remarks, make any observation as to any Member of the Government.

MR. BERESFORD HOPE trusted that the Committee would hear a similar statement from other hon. Members below the Gangway.

MR. MUNDELLA said, there could be no doubt the hon. Gentleman the Member for the University of Cambridge had made an appeal to him. He (Mr. Mundella) was told that a distinct reference had been made to him in his absence. There was no Member in that House more desirous that their debates should be conducted in courtesy and dignity than he was; but he had felt deeply, and did feel deeply, at the proceedings of the noble Lord. He referred, as he had repeatedly done, to the noble Lord's

speeches; and he believed that he could convince the noble Lord that every word he (Mr. Mundella) had stated had been used. He had no desire to say anything personally offensive of any Member; he did not wish to say one acrimonious word in that House, but should always speak plainly on questions upon which he felt deeply. While he withdrew anything personally offensive to the noble Lord, he would withdraw nothing he rightly and honourably said. Hon. Members opposite who called for the name of the Inspector whose letter he had read must have been conscious that in giving it he would have been guilty of a breach of faith, and would have exposed himself to most disagreeable comment.

THE CHANCELLOR OF THE EXCHEQUER said, that little good would be done by going back upon heated expressions; but, having restrained his noble Friend when he was about to interrupt the hon. Member, it was right to say that when a Member repudiated the construction or the language of quoted speeches it was usual to accept the disclaimer. The course taken by the hon. Member—no doubt in an excited moment—in declining to receive his noble Friend's explanation was neither usual nor convenient.

MR. MUNDELLA said, if the noble Lord disclaimed the words he used on a former occasion, when he referred to the effect of compulsion on the national character, and said they would not bear the interpretation put upon them, he gladly accepted the disclaimer.

MR. EVANS, in reference to an Amendment which he had submitted relating to such a majority of the ratepayers as he thought desirable to effect the removal of school boards, consented to withdraw it, the Government having accepted it in a modified form.

Amendment, by leave, *withdrawn*.

Amendment (*Viscount Sandon*) *agreed to*.

MR. W. E. FORSTER moved, in line 7, after "School Board," to insert, as an Amendment to Mr. Pell's proposed new clause—

"Where no requisition has been sent by the Education Department to such School Board, under section ten of 'The Elementary Education Act, 1870,' requiring them to supply public school accommodation."

His object was to put a school board which had a requisition sent to it in the same position as a board which had got a school or a site for a school.

VISCOUNT SANDON, on the part of the Government, accepted the Amendment.

Amendment *agreed to*.

MR. W. E. FORSTER then moved to add after the Amendment just agreed to, these words—

"And no action has been taken by such School Board under the provisions of this Act or of 'The Elementary Education Act, 1870.'"

This Amendment would go a great deal further than its predecessor, and he could hardly expect that the Government would accede to it, but he would, nevertheless, propose it. The result of adopting the Amendment would be that cases such as that of Stockport would be brought within the scope of the Bill.

VISCOUNT SANDON said, he could not accept that Amendment, as it would be inconsistent with the course which the Government had pursued.

MR. KNATCHBULL-HUGESSEN supported the additional Amendment, remarking that it would exclude his own parish, of which mention had been made, from the operation of the clause. In that parish the school board had been not abolished, but suspended; the managers of the Church school were the same persons as the school board, and could act in the latter capacity if occasion should require. Here was a fair instance of how things might work. A school board was established because two considerable ratepayers would not contribute to the voluntary schools, and an undue burden was thus thrown upon others. But one of these ratepayers had since died, his successor had been willing to contribute and the school had been transferred back to the old managers. Now, the other large refusing ratepayer was a railway company; since the suspension of the school board the assessment of this company had been raised so largely that they would now pay something like half the rates of the parish. Under these circumstances the ratepayers might wish to revive the school board again. If so, they could do it without trouble or expense, whereas, if under this clause the school board had been actually abolished, its re-establish-

ment would have been difficult and costly. His noble Friend (Viscount Sandon) had mentioned his parish (Smeeth) as an example in favour of the clause, and when he (Mr. Knatchbull-Hugessen) had pointed out that it was just the reverse, had then turned round and said that he could not think of taking the little village of Smeeth as a model for the rest of England, but he hoped it might be left as it was by the adoption of the Amendment.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 121; Noes 190: Majority 69.

VISCOUNT SANDON then proposed an Amendment to Mr. Pell's clause by inserting the words—

"It shall be their duty to take the circumstances of the case into consideration, and if they shall be of opinion that the maintenance of the school board is not necessary for the purposes of the education of the district it shall be lawful for."

It would throw the whole onus of being satisfied that the maintenance of the school board was not necessary for the purposes of the education of the district on the Education Department.

MR. W. E. FORSTER said, that as his right hon. Friend (Mr. Dodson), who was absent, had a similar Amendment on the Paper, he should have been prepared to move and state his right hon. Friend's views upon it had not the noble Lord proposed this Amendment. He was obliged to the noble Lord for proposing it, who he had no doubt meant by it to meet the views of the Opposition side of the House, but the words proposed did not exactly do so. He demurred to the word "necessary," and would move to substitute for it the word "advantageous."

VISCOUNT SANDON said, that would go too far in the other direction, and he suggested the word "required."

MR. W. E. FORSTER said, he would accept that alteration.

MR. FAWCETT asked to what extent this Amendment would operate?

VISCOUNT SANDON said, it must, he should have thought, be obvious to everyone that it was quite impossible for him to say. It must be left a great deal to the discretion of the Department, and if the Department was not to be

trusted, there was no use in having the clause at all. The Department was bound under this proposed Amendment to the clause to see that education did not suffer by the change, and if it could not be trusted to do this, it was quite unfit for its other most important and responsible duties.

Amendment, as amended, *agreed to*.

MR. FAWCETT moved, after the word "Board," in line 9, to insert the words—

"Provided, That no School Board shall be dissolved by whom bye-laws for the attendance of children have been put in force."

The hon. Member observed that school boards, such as those of Stockport and Macclesfield, were doing useful and necessary work, and belonged to that class which the Vice President of the Council desired to preserve, and doubtless he would not consent to their abolition. If, however, they were not protected by some provisions such as he suggested they would be in a position of insecurity which would interfere with them in the performance of their duties.

Amendment proposed, after the word "Board," in line 9, to insert the words

"Provided, That no School Board shall be dissolved by whom bye-laws for the attendance of children have been put in force."—(Mr. Fawcett.)

VISCOUNT SANDON said, that the Proviso would do just what the hon. Member did not want to be done. Bye-laws did not of themselves secure the attendance of children at school. It all depended on the way in which the bye-laws were carried out, and sometimes in a year or two they became a dead letter. If this clause were adopted it would be impossible to get rid of school boards which were not doing their duty—namely, of boards, which, having passed bye-laws, neglected to carry them out—a by no means impossible or unlikely condition of things—and it would be impossible to transfer the powers with regard to school attendance which they had neglected, to the new school attendance authorities constituted under this Bill—namely, Town Councils and Boards of Guardians. It would be much better to leave the matter to the discretion of the Department. He hoped that the Amendment would not be adopted.

*Mr. Knatchbull-Hugessen*

V. E. FORSTER reminded the hon. Member for South Leicestershire (Mr. Pell) that the Amendment applied to school boards which had put the Amendment into force. He believed the Amendment would fully carry out the intention which the hon. Member for Hackney expressed in view.

MR. LANDS supported the Amendment.

MR. AWCOTT said, his object was that in case a school board was dissolved, the body, whatever it was, should be substituted, should be compelled to pass bye-laws for compulsory enforcement or to enforce it if passed. At present school boards did both, while there was no security that either Boards of Guardians or Corporations would enforce it. He proposed, therefore, that a school board should be abolished and the body substituted should be empowered to pass bye-laws which would be the objects intended by the Amendment of school boards.

ROBERT MONTAGU said, the Amendment would be that no person on a school board which passed compulsory bye-laws could prevent the board being dissolved notwithstanding the wishes of all his colleagues in the entire district.

It was then put, "That those words be inserted."

Committee divided:—Ayes 110; Noes 8: Majority 78.

MR. SHAW LEFEVRE moved, as Amendment to Mr. Pell's proposed Amendment, line 9, at end of first paragraph—

"That no application shall be made for the dissolution of a School Board within three months of the expiration of the period for which the School Board has been elected, and no order for the dissolution of such Board shall take effect until after the expiration of such period."

He said that school boards were usually elected for three years, and he contended that no application for the abolition of one should be made until three months before the expiration of the period for which its members were elected. This would prevent agitation being carried on year after year against any board.

THE CHANCELLOR OF THE EXCHEQUER said, he should be glad if they could come to some arrangement by which the agitation for the dissolution of school boards would be prevented.

The hon. Member for South Leicestershire (Mr. Pell) had a provision which he intended to move at a subsequent stage of much the same character as that of the hon. Member for Reading; and what he would suggest was, that the Amendment should be withdrawn for the present, in order that both might be considered together. The Amendment of the hon. Member for South Leicestershire was to prevent agitation for the removal of school boards within the three years for which they were elected.

MR. LYON PLAYFAIR asked whether the Government accepted the principle of the Amendment?

THE CHANCELLOR OF THE EXCHEQUER: Yes, so far as it involves the objection to repeated contests.

LORD FREDERICK CAVENDISH thought the Committee might very well decide the small point raised by his hon. Friend's Amendment without leaving it over for subsequent discussion, especially as the Chancellor of the Exchequer admitted the necessity for some such provision.

MR. W. E. FORSTER hoped that the question would be decided upon its merits, and that in any vote that should be given the Committee would not be taken to express an opinion on the proposal of the hon. Member for South Leicestershire, to which he had very great objection.

MR. JOHN BRIGHT said, the proposition of the hon. Member for Reading (Mr. Shaw Lefevre) was so simple, and recommended itself so much to every one, as well on that (the Conservative) as on the Opposition side of the House, that he could not believe, if hon. Members fully understood the Amendment, that any one would object to its adoption. It was simply this—that when a board was appointed for a specific period, its death was not to take place until that period expired. If school boards were liable to be dissolved after three months of existence, surely no man who had any regard for his own character would take office under them. The Amendment next provided that no order for the dissolution of a school board should take effect until the time when the school board would naturally expire. This Amendment did not affect the clause intended to be proposed by the hon. Member for South Leicestershire, and did not alter the principle of the

clause agreed to by the Government. He would therefore ask the noble Lord whether he would not accept the Amendment without putting the House to the trouble of dividing.

It being now ten minutes to Seven of the clock, House *resumed*.

MR. DISRAELI: I propose that we shall proceed with the Bill this evening. ["No, no!"] I understand there are no Orders of the Day which hon. Gentlemen are particularly anxious to bring forward.

MR. McLAGAN said, there was a Bill of which he had charge, the Game Laws (Scotland) Bill, and he had waited day after day and night after night in the hope of getting it into Committee, but had hitherto failed to do so. He was one of the last men to throw any obstacle in the way of the progress of Business; but considering the importance of this question, and the great interest which the Scotch people took in it, he should feel bound to take every opportunity of bringing it forward.

CAPTAIN NOLAN observed, that the hon. and learned Member for Limerick was anxious to pass the Municipal Privileges (Ireland) Bill, which had already been read a second time.

MR. DISRAELI: Of course I am not resisting any Gentleman who has any particular interest in bringing any question forward. I will therefore put the Bill down for to-morrow.

MR. RYLANDS wished to know whether it would take precedence of the Orders in which private Members had an interest, as in that case it would be a violation of the promise made by the Government that the proposal to take the Wednesdays would not be pressed.

MR. DISRAELI replied that he had no intention of placing it before the other Orders.

Committee report Progress; to sit again *To-morrow*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock.

Mr. John Bright

## HOUSE OF COMMONS,

Wednesday, 26th July, 1876.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Homicide Law Amendment \* [75], *debate adjourned*; Local Government Board's Provisional Orders Confirmation (Bath, &c.) \* [284]. Committee—Bishopric of Truro \* [185]. Committee—*Report*—Winter Assizes \* [245]. Considered as amended—Cattle Disease (Ireland) \* [94]. *Third Reading*—Ardglass Harbour \* [200], and *passed*. *Withdrawn*—Burial Grounds [67]; Criminal Law Evidence Amendment [61]; Training Schools and Ships \* [13]; Mercantile Marine Hospital Service \* [76]; Valuation of Property (Metropolis) Act (1869) Amendment [74]; Game Laws (Scotland) \* [3]; Valuation \* [59].

### PARLIAMENT—PUBLIC BUSINESS.

#### OBSERVATIONS.

THE CHANCELLOR OF THE EXCHEQUER said, that before the Orders of the Day were read, he would venture to make an appeal to hon. Members in charge of Bills on the Paper that day to facilitate Public Business by allowing them to stand over for another day, so that some further progress might be made with the Education Bill. He only made that application as a request, because he had no right to press it on the House.

MR. KNATCHBULL - HUGESSEN said, he rose on a point of Order. The Chancellor of the Exchequer had made a rather unprecedented request without any previous Notice. The Prime Minister had a Notice on the Paper a day or two since asking for Tuesdays and Wednesdays for the Government, but the right hon. Gentleman forbore to make the Motion. Every hon. Member had a right to believe that the ordinary course would be adopted that day; and if the Elementary Education Bill was proceeded with, the House would be placed at a great disadvantage by this sudden change at the last moment, when many Gentlemen, including his right hon. Friend the Member for Bradford (Mr. W. E. Forster), were absent in the full conviction that the Education Bill was not coming on.

MR. SPEAKER said, there was nothing out of Order in the course proposed by the right hon. Gentleman. He had only put a Question to hon. Gentlemen in charge of Bills as to the course they intended to pursue.

Mr. J. G. TALBOT, who had charge of the Burial Grounds Bill, which stood as the First Order of the Day, said, he was willing to assist the Government. He had some days ago suggested to the Prime Minister that he should ask for precedence on Wednesdays, and he was sorry that the right hon. Gentleman had not taken that course. The request now made placed him in a difficult position, because he had assured the hon. and learned Member opposite (Mr. Osborne Morgan) and others that his Bill would come on that day, and it was hardly fair that he should deprive them of the opportunity of discussing it. At the same time, he was willing to do all he could to expedite Public Business, and if other hon. Members would adopt the course suggested by the Chancellor of the Exchequer, he would waive his right to proceed with the Bill which stood in his name.

Mr. EVELYN ASHLEY, who had charge of the Criminal Law Evidence Amendment Bill, which stood as the Second Order of the Day, said, he also was placed in a peculiar position; but after what had taken place he must decline to accede to the request which had been made by the Chancellor of the Exchequer. Hon. Members had asked him whether his Bill would come on that day, and he had told them that he thought it would, and consequently those who were interested in other Bills were absent. Moreover, he objected to the Education Bill being taken in the absence of the right hon. Gentleman the Member for Bradford, and others who took great interest in the subject of education. He might also state that he had been waiting the whole Session hoping to bring on his Bill, and that lay he expected having the opportunity of doing so.

#### BURIAL GROUNDS BILL.—[BILL 67.]

(Mr. John Talbot, Mr. Cubitt, Mr. Wilbraham Egerton.)

#### SECOND READING. WITHDRAWAL OF BILL. Order for Second Reading read.

Mr. J. G. TALBOT, in moving that the Bill be now read a second time, said, the question had been before the public for something like 20 years, and the failure to provide any solution hitherto was not creditable to Parliament. The sanitary difficulty was one to which public attention should be directed. He be-

lieved that the public would be shocked at the scandalous condition of many burial grounds in the country districts, as well as some of the cemeteries of our large towns, and he hoped that one result of the discussion, by calling attention to the subject, would be an inquiry into their condition by the Government. So far as the Bill now before the House was concerned no further provision for burials was required in the metropolis or large towns, except in the sanitary direction he had indicated. But as to burial in the country generally, he believed he was correct in saying that the State had made no provision for it, but that it was a matter left at present to the charity of the Church. Then as to the wish of Dissenters, that they should be buried according to their rites, the way to remove one conscientious objection was not by transferring it from one set of shoulders to another—from Nonconformists to Churchmen, but rather by legislating in the direction of this Bill, which would relieve Nonconformists from the grievance under which they now laboured, as it would allow them to have a burial ground of their own. Would it not be better to treat the question from the sanitary point of view? His Bill proceeded upon that basis. It provided both in urban and rural districts for the establishment of unconsecrated burial grounds, creating no new local authority for this purpose, but calling upon rural and urban sanitary authorities to put the provisions of the Bill into operation, because the burial of the dead was a sanitary matter, which the State ought to take into its consideration and provide for. It also enabled several small parishes to combine for the purposes of the Bill. The chief peculiarity of the measure was the power it would give to minorities to put it into operation. Twenty ratepayers might call a meeting in any parish; if no poll was demanded, the votes of one-fourth of the ratepayers present would put in force the provisions of the Bill; and upon a poll the same proportion of votes would have the same effect. He admitted that there was no precedent for such a proposal, but it must be remembered that the Bill was one for the protection of minorities. With a view to limit the expense to the rates, the Bill contained what he might call a statutable suggestion to every Burial Committee appointed by a rural sanitary authority that a site for the

new burial ground might probably be given by one of the chief landowners; but if not, provision was made for the purchase of the site, spreading the repayment over a period not exceeding 50 years. The Bill provided for the appointment of a Burial Committee, and if they did not do their work it gave power to the Secretary for the Home Department to take measures that the work should be done. There was also a provision to enable chapels to be erected where they might be desired, but only, let it be observed, where they were desired, and power was given to enable persons now disqualified from doing so to grant sites for burial grounds in the same way as sites for schools might be granted. He hoped the debate would not close before the House heard from the Home Secretary that the Government were prepared to take up and settle the matter on sanitary grounds. If they were prepared to do so, the best way in which they could deal with it was by the appointment of a Commission, the result of whose inquiries might form the basis of legislation. If the Bill of the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) were carried, it would only introduce into the churchyard alien ministrations without settling the sanitary question. For his own part, he was prepared to say that no churchyard should be extended without making provision in it for some portion of unconsecrated ground. He hoped he had shown, by the introduction of this measure, a *bona fide* desire to assist the solution of the question. In conclusion, he begged to move the second reading of the Bill, and he hoped, at all events, that if nothing else came of the measure this Session, the House would affirm its principle, which was neither controversial nor theological, but, on the contrary, social and sanitary.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. J. G. Talbot.)

MR. OSBORNE MORGAN, in moving that the Bill be read a second time upon that day two months, said, that notwithstanding the lateness of the Session he was glad that the hon. Member had had an opportunity of moving the second reading of the Bill, because he felt that the more such proposals as this were discussed, the more would it be seen that they were

utterly inadequate to remedy the grievance they sought to remedy. If it had been brought forward as a sanitary measure, he should have had little to say about it, except that it was rather late to bring forward so important a measure on the 26th July. But the scandals to which the hon. Member had referred had not come home to his experience. Whatever necessity existed for increased burial accommodation in the crowded districts of Lancashire and Yorkshire, no such necessity existed in the district in which he lived. If they were to tell the Denbighshire peasant that the churchyard on the hillside in which the bones of his fathers were laid, and in which he expected to lay his bones, would shortly be closed for sanitary reasons, he would laugh in their faces. This was not a sanitary measure at all, for it did not contain a single provision for closing a churchyard, so that, unless its promoters were prepared to say that the interment of Dissenters was more injurious to public health than the burial of Churchmen—on account of the odour of sanctity in which the latter died, or something of that kind—the Bill left the question of sanitary reform where it was at present. The hon. Gentleman had said that the object of the Bill was to relieve Nonconformists from the grievance of being compelled to bury their dead without the forms and ceremonies which they approved. How did the Bill attempt to accomplish that object? In the first place, it enabled a mere handful of ratepayers to call a meeting together, and if they obtained a vote in their favour, they were to put into operation the cumbrous machinery of the Bill. Why, this Bill was ten times more vicious in principle than the Permissive Bill of the hon. Baronet the Member for Carlisle, because while that Bill would enable a majority to oppress the minority, this one would give a power to a minority to oppress the majority. He could not conceive a more invidious task thrown upon the rural sanitary authority than that of requiring them to elect the Burials Committee every three years. In Wales, if not in England, almost every parish would be the hot-bed of discord whenever such an election took place. The question of expenses the hon. Member had treated as a mere bagatelle, and he proposed to allow the Burial Committee to purchase land as sites for burial grounds, though he hoped that

Mr. J. G. Talbot

persons sufficiently munificent would be found to make a free gift of the sites. The (Mr. Osborne Morgan) doubted whether under the present law there were more than a dozen such free gifts; and the ratepayers, therefore, would have to bear the expense, which would be extremely heavy. A short time ago an advertisement appeared in *The Times* from Bromley, a parish in Kent, a division of which county his hon. Friend so ably represented and according to that advertisement £12,500 would be required to provide a burial ground. There were 1,000 parishes in England in which there were no cemeteries, and in which the ratepayers would be entitled to invoke the assistance of this Bill. If a third only of those parishes availed themselves of such provisions, at a tenth of the money which the parish of Bromley required, the cost to the taxpayers would be over £3,000,000. The Bill would therefore be far too expensive, and such a proposal, emanating from a party that had always prided itself upon a stubborn resistance to increasing the burdens on local rates, seemed to him absolutely monstrous. The Dissenters did not want the Bill. They said—"We are entitled to be buried in the parish churchyards with such rites and ceremonies as we think proper; but you say—We will not grant you that right; we give you the right of obtaining cemeteries for yourselves, with the privileges of putting our hands in your pockets and paying for them." What was that, but to give them a stone when they were asking for bread. If he and those who acted with him differed with the promoter only as to the machinery of the Bill, that matter might be arranged in a Committee, and some agreement might be come to, but they differed as to the principle of the Bill. Neither did he think any good would come of referring the Bill to a Select Committee. That had been done before, and the whole question had to be fought over again. He objected to the Bill because it was a crude measure, because it was an utterly unpractical one, and because it would entirely fail to remedy the grievance which it professed to remedy. For those reasons he would conclude by moving its rejection.

Amendment proposed, to leave out "now," and at the end of the Question to add the words "upon this day two months."—(*Mr. Osborne Morgan.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. BERESFORD HOPE acknowledged the conciliatory tone both of the introducer of the Bill and the mover of the Amendment, but deprecated discussion as likely to be unfruitful at that period of the Session. Some hon. Members were prepared, if necessary, to vote for the Bill as a declaration of principle in which they concurred, while others were desirous to study the details of the measure; and probably, in regard to a question so complicated as this, no two hon. Members could be found to come to an identical opinion upon all points. Under these circumstances he would suggest to his hon. Friend that, having held out the olive branch, he should now withdraw the Bill, and not put the House to the trouble of dividing on the second reading. At the same time, he hoped the Government would tell them something of their views about a question which it was now impossible for private Members to bring to a solution.

MR. BUTT said, before the Order was discharged, he would like to have an opportunity, as a member of the Disestablished Church in Ireland, to say a few words upon the Bill. The real question, as he understood it, really was—whether Dissenters should have separate burial grounds, or whether they should be permitted to perform their rites and ceremonies in the old churchyards. Let him briefly tell the House what had been done in Ireland. In 1824 a Bill was passed by the Imperial Parliament giving Dissenters the right of burial, with their own rights, in the Irish churchyards. Up to that period the law as to burial in Ireland and England was exactly the same. That law was introduced to the House by a great lawyer, Mr. Plunket. Mr. Plunket, in introducing the Bill, which afterwards passed, made a remarkable statement as to the law. He declared that the Protestant parson had a freehold in the churchyard, and no one could enter without his leave without committing a trespass. But besides his rights as a possessor of the soil, he was appointed to superintend Christian burial, and he could grant permission for interment. By the Act of Uniformity he was to read the Burial Service of the Church of England over every person, and therefore, if the Protestant clergy insisted upon their rights, the Act virtually deprived



the general body of the people of their right of interment. As he (Mr. Plunket) put it—it was an interception of the rights of the people, imposed upon them by the Act of Uniformity. That was how the matter stood in England at the present day. According to the law of the land, every person living in the parish had a right to be buried in his churchyard with what rights he chose, subject to the rights of the Protestant clergyman before mentioned. There was no illegality in the performance of those rites. Supposing a clergyman had performed the rites of the Church of England, or waived their performance, there was no law to prohibit the performance of Dissenting rites in Protestant churchyards. Therefore, there was no illegality in the performance of those rites, and the only difficulty in the way was the Act of Uniformity. So far as to the law on the one side. Now, mark what it was on the other. According to the law at the present time, everyone had a right of interment in some Protestant churchyard. His relatives were entitled to claim it, subject to the rights of the parson. There was no difficulty but the Act of Uniformity in the way, and of that Act Churchmen had little reason to be proud; for it expelled the best men in the Church of England, and left a legacy of weakness and dishonour to the Establishment which she had never recovered. It was that Act only which stood between the full right of the Dissenters to use the churchyards for burial. And what did that word burial mean at the Common Law? It did not mean simply placing the body in the ground. It meant interring it with such solemnity, and such reverential rites, as each person in his own conscience desired to be employed. That was the right of burial which the Common Law gave to every parishioner, and the Act was intercepted only by the Act of Uniformity. He most cordially supported the Bill of his hon. and learned Friend the Member for Denbighshire (Mr. Osborne Morgan) to admit Dissenters to the same rights in England which they had long enjoyed in Ireland. They had found no inconvenience, no dissension to result from the system in Ireland. He (Mr. Butt) was brought up in his childhood in an old parsonage close to the churchyard, and he well remembered with affection that some near and dear to him lay buried there. He thought it would be

a great misfortune if the affections of the people were turned away from the old churchyard, by their being sent to the cemetery instead of their bones being laid by those who were near and dear to them in the old churchyard. He did not think it was an act of statesmanship to take away from the old churchyards the affections and the memories of a large proportion of the people, nor did he think it was entirely consistent with Conservative principles thus to detach burial from the religion of the land. He opposed the Bill on the ground of Christian liberty; on the ground that it really was not fair to refuse the Dissenters the Common Law right which they at present possessed, and on the good old Conservative principle that they ought not to detach the affections of the people from the Church and the churchyard, and weaken the Church by relegating the people in that way to the cemeteries.

THE CHANCELLOR OF THE EXCHEQUER said, he was sorry his right hon. Friend the Home Secretary had been obliged to leave the House on Public Business, as he would have spoken with more authority than he could command, but as he knew his right hon. Friend's views he would endeavour to state them. His right hon. Friend would have concurred in the suggestion of the hon. Member for the University of Cambridge, that no further progress should be made with the Bill. They could not expect at that time of the Session any practical result from a division on the principle of the Bill; and to vote on the second reading now, would be voting on something in the nature of an abstract Resolution. The measure involved many details which could not be accepted without considerable discussion. The discussion which they had already had could not fail to make it evident that it was the duty of the Government to give their best attention to this question; his right hon. Friend the Home Secretary was giving his attention to it, and no doubt he would consider during the Recess whether it would be possible in another Session to make any suggestion or proposal on the subject; but he thought it would be inexpedient at the present time to attempt to develop any views of the Government on the subject, which must either be done fully, or the statement would really amount to nothing. He thought perhaps the best course

*Mr. Butt*

would be to allow this Bill to be withdrawn, or, if there was any indisposition to withdraw the Amendment, to adjourn the debate, which it was obvious could not be discussed with any prospect of a practical result.

MR. WILBRAHAM EGERTON said, that the Bill only touched a portion of a large and difficult question, but it was an honest endeavour on the part of Churchmen to meet the views of those who differed from them. He had no hope of ever being able to satisfy all parties who considered themselves aggrieved, as there were many who would accept no compromise upon the question. He was very glad to have an assurance from the Chancellor of the Exchequer—which had, indeed, been given in “another place” by another Cabinet Minister—that the Government would take this matter into consideration, and he hoped that next Session they would be able to introduce a Bill which, without giving up the rights of Churchmen, would remedy any grievance of which the Dissenters could justly complain. He therefore recommended his hon. Friend the Member for West Kent to withdraw the Bill.

MR. J. G. TALBOT said, he had no wish to divide on the Bill, nor did he wish to divide the feelings of hon. Members upon the matter. He hoped that as the Government had announced their intention of dealing with the question, that a pacific solution of it would be arrived at. The hon. and learned Member for Denbighshire had another idea as to the way it should be dealt with, but probably they were both wrong, and as it was a question which must be solved in one way or another, he was pleased to find the Government were prepared to undertake it. He quite agreed with the hon. and learned Member for Limerick (Mr. Butt) that we ought not to sever the association of the living from the resting-places of the dead, but it was because Churchmen had such an intense affection for their churchyards, where, for 300 years, nothing but the words of consolation of the Burial Service had been heard, that they objected so strongly to their—he would not say desecration—they objected to the provisions of a Bill which allowed not merely Roman Catholic services, and what Secularists called their Liturgy to be performed, but harangues to be delivered, displacing the services of the Es-

tablished Church, unless proper securities were taken against them. The associations connected with burial grounds were of a sacred character, and they would never allow them to be desecrated or misused. He understood the Amendment would be withdrawn. [MR. OSBORNE MORGAN: No.] That being so, it would be better to move the Adjournment of the Debate.

MR. KNATCHBULL-HUGESSEN said, he should not have spoken had not the hon. Member for West Kent (Mr. J. G. Talbot) made a speech so defiant and strong in its language that it might have been delivered on the second reading of a Bill vehemently opposed, and ought never to have been delivered on a Bill about to be withdrawn. He, for his part, had advised that the withdrawal of the Bill should not be opposed; but after the speech to which they had just listened he should certainly vote against the Bill or against the adjournment if a division was called. The Bill itself was in his opinion a bad Bill, but it was needless to discuss its details when its passing was impossible. He (Mr. Knatchbull-Hugessen) had many tenants and neighbours who were Nonconformists, and he altogether deprecated and protested against the tone and language of the hon. Member for West Kent. That hon. Member and those who thought with him appeared to draw a broad line of demarcation between Churchmen and Nonconformists, as if the latter were scarcely of the same race as themselves. When the hon. Member used such a word as “desecration” in regard to the services of Dissenters in churchyards, he was doing his best to render any settlement of the question impossible. If the Church of England was to maintain its position in this country, it would not be by cultivating a spirit of narrow exclusiveness, but a spirit of enlarged toleration, and in these days it was much more desirable to draw near and heal the breach between the Church of England and the Nonconformists rather than widen it by such language as that of the hon. Member for West Kent.

MR. J. G. TALBOT explained he had not used the term “desecration” with reference to the burial of Dissenters, but to rites which might be introduced in churchyards under the Bill of the hon. and learned Member for Denbighshire

(Mr. Osborne Morgan), which would in the estimation of Churchmen amount to "desecration."

MR. HALL insisted that no safeguards against "desecration" of churchyards had been provided by the Bill of the hon. and learned Member for Denbighshire. He had himself admitted the fact.

MR. OSBORNE MORGAN said, that in moving the second reading of his Bill he had distinctly said that he had introduced no safeguards, because, in his individual opinion, none were necessary, but that if any safeguards were suggested from the other side they should receive from him the fullest consideration.

MR. HALL thought safeguards were necessary. The right hon. Member for Sandwich (Mr. Knatchbull-Hugessen) had misunderstood the remarks of his hon. Friend the Member for West Kent (Mr. J. G. Talbot). He simply tried to show that Churchmen had those strong feelings for the resting places of the dead to which the hon. and learned Member for Limerick (Mr. Butt) referred, and that under the Bill of the hon. and learned Member for Denbighshire those feelings might be seriously violated. When his hon. Friend spoke of "desecration," he referred not to the Nonconformist service, but to the Secularist Liturgy, the use of which they would probably desire, equally with clergymen, to see rendered absolutely impossible in their churchyards.

MR. OSBORNE MORGAN stated that after the second speech of the hon. Member for West Kent he felt some difficulty in withdrawing his Amendment. He must divide the House.

Motion made, and Question proposed,  
"That the Debate be now adjourned."  
—(Sir William Edmonstone.)

MR. RAMSAY said, he was surprised, and very much regretted that a discussion of that nature should be necessary in that House. In Scotland they had ample experience of the freedom of interments in the graveyards of that country, and he must say that although even a Secularist might pronounce any sort of oration over the grave of a deceased relative which he thought proper, it did not appear to the people of Scotland that such an oration was any desecration to their feelings. Scotland might

well be cited as an example of a country where there was perfect freedom to inter in such way as the relatives of the deceased might think proper. In the graveyards of Scotland the Ritualistic Episcopalian might perform the ceremony according to the Burial Service of the Episcopalian Church, the Roman Catholic might do the same, according to the ritual of Rome, and a Presbyterian might be interred without any form of worship at the grave. It was becoming the practice to recite passages of Scripture and deliver short prayers; but on no occasion had the feelings of the people of Scotland been violated or offended in any way, and in his opinion the sooner they saw a similar liberality in existence in England the better it would be for the Established Church.

MR. J. G. HUBBARD said, all he desired was that a system under which we had lived for so many years should not be wantonly broken up. He desired to maintain the order which he believed was precious to the people, and to preserve the sacred character of churchyards. He, however, considered that a time had arrived when all Churchmen admitted that some change in the law was necessary, and they were prepared to approach this question in a spirit of charity and conciliation.

MR. SAMPSON LLOYD said, that as the churches and churchyards were national property no one had a right to use them unless subject to those restrictions which the nation imposed. He therefore thought some compromise should be adopted on this question which would satisfy the views of Churchmen and moderate Dissenters. The Bill was not a religious Bill at all, and he regretted that religious feeling had been introduced in connection with it.

MR. GREGORY said, he did not think that the Opposition were acting in a spirit which was likely to produce a settlement of the question.

MR. J. G. TALBOT desired to say that he was sorry that if, under the strong feelings he entertained on the subject, he had used any expression which could give the least offence to hon. Members opposite. The hon. and learned Member for Limerick (Mr. Butt) had referred to the feelings of Nonconformists, and his (Mr. J. G. Talbot's) object was to show that if feelings existed on all sides

Mr. J. G. Talbot

of the House they equally existed on his side. He repeated that he was sincerely sorry if he had said anything which could be the least offensive to hon. Gentlemen opposite. It was quite unintentional; and he still hoped that the Bill would be allowed to be withdrawn.

MR. OSBORNE MORGAN said, that after the appeal of the hon. Member for West Kent he would not persist in dividing the House.

Motion, by leave, *withdrawn*.

Question again proposed, "That the word 'now' stand part of the Question."

MR. ASSHETON CROSS said, he must apologize for not being present during the discussion on the Bill. Nothing but pressing business of a public character would have kept him away. He was very glad to think that the discussion had ended in the way it had done. He sincerely hoped that in the course of next Session they would be enabled to come to some satisfactory arrangement on the subject. He was quite sure that the best course they could take was to avoid doing anything to raise an angry feeling on the one side or the other.

Amendment and Original Motion, by leave, *withdrawn*.

Bill *withdrawn*.

# CRIMINAL LAW EVIDENCE AMENDMENT BILL.—[BILL 61.]

(*Mr. Evelyn Ashley, Mr. George Clive.*)

FURTHER PROCEEDING ON SECOND

READING. BILL WITHDRAWN.

Further Proceeding on Second Reading *resumed*.

MR. EVELYN ASHLEY, in moving, that the Bill be now read a second time, said, its object was to enable prisoners, their wives and husbands, and co-prisoners, their wives and husbands, to give evidence when on their trial on a criminal process. Many of the Judges had recently expressed their dissatisfaction at the present condition of the law, and many of the more thinking of the Professional classes desired to see a ~~made~~ <sup>made</sup>. In the Eupion Gas Case, Lord Chief Justice of that the fact of the

law shutting the mouths of all the persons charged rendered it very difficult for the Court to get at the truth. There was, again, the Wainwright Murder Case. Was there not even now considerable doubt in the public mind as to which of the two brothers was the more guilty of that crime? Was it not manifest that if the two men could have gone into the witness box and told their own story, we should have been better able to tell which was the more guilty of the two? It had been objected to the Bill that it would prove a torture to the prisoners, as it was in Germany; but he maintained that the abuses which were connected with the examination of accused persons in foreign Courts of Justice could not occur in our own, where all tradition was in favour of fairness to the prisoner, who would not be examined by the Court, but by his own counsel, if he had one, and cross-examined by the counsel for the prosecution; and under such circumstances he was less likely to be entrapped into admitting his own guilt than he was by the policeman who arrested him, whose evidence of such admission often secured conviction. It might raise a strong inference against him if he did not go into the witness-box, but it would be a just inference; and it might be enacted that no comment should be made on that fact by counsel. It was so contrary to the spirit of our judicial proceedings to tolerate anything approaching to torture that such a result need not be feared; and any apprehension of an increase of perjury, which had not followed the admission of the evidence of the parties to a suit, ought not to prevent an improvement in the law. Mere lying, as contradistinguished from legal perjury, was a thing with which we had nothing to do; and we tempted prisoners to tell lies at present. He did not lay much stress on an oath, though it was a good form to maintain; but in this case the object could be attained without an oath if the accused could be cross-examined. He believed that a system such as he proposed would go far to elicit the truth, because no one could give better evidence than those who were concerned in the transaction, and he was confident that time would overcome the natural prejudices of the Legal Profession against the change of a system which they had supported and which had supported them, and that

public opinion was becoming ripe for that change.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Evelyn Ashley.*)

MR. RODWELL, in moving that the Bill be read a second time that day two months, said, he thought his hon. Friend had hardly realized the magnitude of the change to which he had called the attention of the House. The Bill, though a short and apparently a simple one, struck at the very root of the principles upon which their law was administered in Criminal Courts, and was contrary to the very instincts of the people in this country with regard to dealing with criminals. He disputed the recital in the Preamble of the Bill, that the examination of prisoners and their relatives would assist the conviction of offenders and the discovery of truth; and speaking from some experience of criminal matters, he maintained that such examination would work injustice in many instances and prevent the ascertainment of truth. It was one of the most re-actionary measures he had ever known to be introduced into the House, and would be quite unworkable. So far from being an improvement, it would be a return to the practice of the dark ages, when it was the business of those who presided at criminal inquiries to do all they could to entrap the accused into fatal admissions. The result of the proposed change would often be that the hardened, guilty offender would get the benefit of his evidence, while a timid, nervous person, though innocent, would involve himself in greater difficulty. A man often derived more benefit from the fact that the mouth of his wife was closed than he could possibly derive from the evidence of the wife. If we could not convict an offender from the evidence of independent persons, it was better he should escape than that we should run the risk of putting an innocent man in jeopardy. He could, if necessary, quote the opinions of many Judges against the proposed change, and the Lord Chief Justice, in the opinion which had been quoted by the hon. Member, referred to the hardship of including several persons in one indictment, so that one could not be examined in favour of another. He

would conclude by moving the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months."—(*Mr. Rodwell.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. SERJEANT SIMON said, he was, and had always been, a law reformer, but he could not support the Bill, because it was based entirely upon theoretical principles, and was not calculated to cure any practical evil which experience had brought to light. He did not hesitate to say that having had a large experience in criminal practice, he had never known an instance in which innocence had suffered, or justice been defeated, in consequence of the want of the power proposed to be given by this Bill. All the points were generally brought in evidence before the jury. He thought that a Bill of this kind, involving questions of the greatest magnitude, ought not to be brought in at this advanced stage of the Session, when there was not sufficient time to consider and discuss its provisions; and looking at the great changes which it proposed, he begged to say that he could not give his assent to it. Instead of reform, he regarded it as a retrograde Bill—a Bill of torture, going back to the dark ages, and not a progressive Bill. A fundamental principle of our criminal jurisprudence was, that a person accused of crime was held to be innocent until his guilt was proved. But this Bill would practically reverse that principle. The so-called permission to the accused to tender himself for examination, was no permission at all, but, in practice, would be compulsory, for the prisoner who did not tender himself, would be open to adverse comment on the part of the prosecution for not doing so. The state of things then would be this—that instead of the prosecution being obliged to prove their case beyond reasonable doubt, it would be the duty of the accused to prove his innocence. Another important principle was also at stake, and one that deeply concerned the due administration of justice, he meant the public confidence in the impartiality of our Judges. At present the Judge ~~is to hear and take down the evidence, sitting in no way~~

*Mr. Evelyn Ashley*

with the prisoner in the conduct of his case, or with the witnesses, unless to prevent improper evidence being given. Indeed, it was his duty to interfere for the protection of the prisoner even against himself, or, sometimes, the imprudence of his counsel. Under the Bill, if it became law, the timid prisoner—the innocent prisoner—and not the experienced rogue—would be placed at a disadvantage. He had often seen this in Court, and many a time had he said to himself—“How fortunate it is that I am not obliged to call upon the prisoner as a witness, and subject a respectable inexperienced man to the ordeal of a cross-examination.” At present there was confidence in our Courts of Justice, because the Judge sat there calm and impartial, and at the close of the evidence he summed it up, leaving out nothing which told in favour of the prisoner, and with that aid the jury were enabled to arrive at a proper decision. This gave confidence in the administration of justice; but if an accused person could be examined as a witness and cross-examined, he believed that they would have scenes of wrangling between Judges and prisoners which would become a public scandal. The prisoner would inevitably be tendered for examination in every case; a scene of wrangling between him and the Judge would often ensue; the dignity of the Bench would be lowered, and the public confidence in the impartiality of our Judges and in the administration of justice be shaken. He asserted that it would be a great improvement if the law were altered so as to permit a husband to be called as a witness for a wife and a wife for a husband; but in regard to the other principles of the measure, he was satisfied that the change proposed ought not to be adopted. He regretted that the Session was so late that he could not state all his objections to this Bill; but he would conclude by expressing his earnest hope that the Bill would not pass, and he only regretted that a Bill dealing with a matter of such importance could not have been brought forward at a time when the subject could have been fully discussed.

**MR. RUSSELL GURNEY** said, he also regretted that the Bill had come on discussion so late in the Session, <sup>there</sup> was so little probability that <sup>it</sup> become law. He differed en-

tirely, in his experience of the administration of justice from his hon. and learned Friend who had just spoken (Mr. Serjeant Simon); but he could not permit the question to pass away without expressing his opinion upon it. Having been brought up to the Profession almost from a child, he had been favourable to the institutions and practices that he found in existence; but his experience, the experience of many years, as Recorder of London and one of the principal Judges of the Central Criminal Court, had convinced him that it was most important for the interests of justice—for the conviction of the guilty and the acquittal of the innocent—that some such change as was now proposed should be made in the law of this country. Wives now could not be examined where their husbands were concerned, or husbands for their wives, and nothing more absurd could be conceived. Very often the only person who could prove a man's innocence was the wife, especially as to events which were alleged to have occurred at night. If the accused husband was a good, moral man and lived with his wife, her mouth was closed; but if he were an immoral man and lived with a mistress, she could be examined in his defence. All the objections which had been urged against that portion of the Bill which proposed to change the law in that respect had been urged against previous changes of the law which, nevertheless, had been found to work beneficially and materially to promote the interests of justice, as, for instance, in the case of allowing the parties interested in civil suits to give evidence. He had lately been reading the *Memoir of Lord Althorp*, in which it was stated that that nobleman brought forward a Small Debts Bill in which he proposed to give power to the parties to be examined. A Judge of those days said of the proposal that it was most barbarous and abhorrent, and that nothing would result from it but unmitigated perjury. But the change had been made, and what had been the result? No person who practised in our Courts wished to return to the old system. No doubt, perjury was occasionally committed, yet the alteration in the law had tended most materially to the elucidation of truth. Justice was more speedily and more certainly arrived at, and under the species of compulsion that now existed the defendant

was often obliged to admit the debt which otherwise he might have successfully disputed. But we had gone rather further than altering the law in mere civil actions. When the Divorce Courts were established, there were universal complaints from women that their mouths were closed in matters of supreme importance to them. That was felt to be a great hardship, and by universal consent the parties to a suit were allowed to be examined. In no cases was there a stronger temptation to commit perjury, and perjury was no doubt sometimes committed, but the truth was more certainly arrived at. He now asked for the same relief for the innocent prisoner who stood at the bar charged with some criminal offence, and he could not, with his experience, say with the hon. and learned Member for Dewsbury, that the change was unnecessary. He had often felt when he entertained doubts about a case that those doubts would be entirely removed if he could put six questions to the prisoner. In two cases of forgery, which had occurred before him, women had been called whose evidence could not have been received if they had been the wives of the prisoners. One woman told the truth, and most reluctantly established the case on the part of the prosecution. The prisoner was accordingly convicted; but if she had been married to the prisoner, he would wrongly have been acquitted, because her mouth would have been stopped. The other woman was not called by the prosecution, but her evidence in the prisoner's favour soon broke down on cross-examination, and her statement having been found to be untrue, the prisoner was in that case also convicted. If those women had been the wives of the prisoners, and one of them had been convicted, application would have been made to the Home Office for the release of the prisoner upon the affidavits of those women, and when they were referred to him, as they probably would have been, for his report, he might have found it very difficult to come to the conclusion which he had arrived at without hesitation when the women were examined in open Court. He was not proceeding in this matter upon theory; but upon facts which had forced themselves upon him in course of his judicial life. The only misgiving he had had in regard to the proposed change

was as to how far the popular feeling would go with it. During the period, little short of two years, which he recently spent in the United States, he lost no opportunity of visiting the Criminal Courts to see the working of this system. He heard several trials in which the prisoners were examined, and in every case their evidence tended to the elucidation of the truth. He was specially struck by the manner in which this system worked for the deliverance of the innocent. He was present at one trial where the prisoner admitted that he had been previously convicted, and of the same sort of offence. He gave, however, as a witness, such a complete explanation of all the circumstances against him, and his evidence was so completely confirmed, that he was at once acquitted by the jury. He might go further than his own experience, because he lost no opportunity of asking the opinion of the Judges and the prosecuting officers, and one and all agreed that the change had been an improvement. The Chief Justice of Maine, Justice Appleton, stated that the new system had worked admirably, and had given great satisfaction to the Judge, the Bar, and the public. Innocent men were able to give important evidence in their own defence, and the Chief Justice said he regarded the change as absolutely indispensable to the due administration of the law. The district prosecuting attorneys described the change as having assisted greatly in bringing the guilty to punishment, while the innocent might rejoice in the opportunity thus afforded of proving their innocence. The prosecuting attorney for the district of New York stated that the Bench and the Bar were once all opposed to the change, but they were now unanimous in its favour. This officer told him that in seven cases in which he had conducted the prosecution he had, after hearing the explanation of the prisoner, thrown up the case. It was said that, although the Bill only provided that a prisoner "might" submit himself as a witness, yet the effect must be that he would be compelled to get into the box, or, if he did not, his guilt would be presumed. That was, he admitted, a somewhat strong point; but the objection might be, to some extent, obviated by providing that the Judge should be bound to tell the jury that they were to give their decision upon the evidence,

*Mr. Russell Gurney*

and not to draw any inference from the fact that the prisoner had not chosen to be examined. This was the law in the United States; and it had the effect, at any rate, of preventing the prosecuting counsel from using this as a topic against the prisoner. Unless it could be alleged that our Judges were unfit for their high offices, he had no fear of any change in their manner or demeanour as a consequence of the change now proposed. He had felt it his duty to offer to the House such assistance in coming to a right decision as might be derived from a not inconsiderable experience in criminal trials, and he trusted that the House would affirm the principle of the Bill by reading it a second time.

SIR THOMAS CHAMBERS regretted to be obliged to differ from his right hon. and learned Friend the Recorder. Speaking from his experience as Common Serjeant, he contended that his right hon. and learned Friend had not made out any case for subverting the principles upon which the criminal law of this country was administered. He did not believe there was one case in a hundred about which the Judges had any doubt; and, that being so, where was the necessity for the Bill? Was it contended that innocent people were largely convicted? No one pretended to say that. It was the rarest thing possible for an innocent person to be convicted in the English Courts. Again, were the guilty not convicted? No one ever pretended to say that. It was said that there was a great number of persons, of whose guilt there was no moral doubt, who were acquitted by reason of the technicalities—the just technicalities—of the law, which required that a case should be proved beyond the region of doubt. He utterly denied that proposition; and, moreover, if it had been so, he was certain that the evil would not be corrected by the Bill. A great point had been made as to the desirability of getting at the truth; but the truth was only worth a certain purchase, and if it required the assistance of the present Bill to establish a case of petty larceny, then he said that the price paid for the truth was too great. The chances, too, were that the prisoners would add perjury to the crimes with which they stood charged, merely making the case of the prosecution against them stronger than before. Everybody knew that there was a great

amount of perjury committed in the Divorce and Civil Courts—committed, too, under far less pressure than existed in the Criminal Courts. It was said by his right hon. and learned Friend that the system had been found to work in America; but no one would deny, he thought, that acts of perjury had been largely multiplied since the change in the law took place. It was immoral—immoral in the highest degree—that the House should legislate for the admission of witnesses who would get into the box under influences which would make it impossible for them to tell the truth. It was the principle of the law as it stood that it was not for a prisoner to prove his innocence, but for the prosecution to make out the case if it had brought against him; and if this proposed change of the law came about that axiom could not be maintained. Differing as he did from his right hon. and learned Friend, with great diffidence he felt bound to declare that anything more injurious, more calculated to affect the credit of the administration of the law in this country than the proposed changes, he could not imagine.

SIR EARDLEY WILMOT said, he had listened most attentively to his right hon. and learned Friend the Recorder of London, whose great experience enabled him to speak with authority; but, after all he had heard, his (Sir Eardley Wilmot's) own experience had brought him to a contrary conclusion, and he was constrained to oppose the Bill, because he believed the proposed alteration in the law would work injustice. It would neither tend to the elucidation of truth, nor to the protection of innocence. He concurred with much of what had been said by the hon. and learned Common Serjeant (Sir Thomas Chambers). In the County Courts, of which he had much experience, there was no doubt some perjury; but he believed nothing like that which would take place in Criminal Courts, with, of course, greater injury to public morals and the administration of public justice. There might be some advantage in admitting a wife as witness for her husband, and a husband as witness for his wife, and he cordially approved of such a proposal; but to the general principle of the Bill he could not give his support.

MR. KNATCHBULL - HUGESSEN said, that having had some experience



at the Home Office and also as chairman of quarter sessions, he was unwilling to let hon. and learned Gentlemen of the long robe have an entire monopoly of the debate. The permission proposed to be given by the Bill to a prisoner to be examined, if not taken advantage of, must tend materially to the disadvantage of that prisoner; for if he refused, having as he would have under the Bill, the option to be examined, no power on earth could prevent that fact operating against him in the minds of the Jury. This would be much more the case in such an instance as that quoted by the right hon. and learned Recorder, where a man admitted, in answer to his own counsel, a previous conviction for an offence similar to that with which he was charged and afterwards satisfactorily established his innocence of that charge. Suppose the prosecuting counsel had elicited the fact of the previous conviction, and the man's defence had not been so conclusively satisfactory, could any one doubt that the fact of the previous conviction would have weighed heavily against him in the mind of the jury? Chairmen of quarter sessions had re-committed lists before them when they tried prisoners, and he owned that he himself in charging the jury found it sometimes one of the most difficult parts of his duty so to exclude from his mind the knowledge of previous convictions as to prevent its giving a bias to his analysis of the evidence. The law of England was that a prisoner should be tried by the evidence brought upon the particular charge against him, and he (Mr. Knatchbull-Hugessen) deprecated the introduction of anything which would prejudice the jury. Then, again, as regarded the instance brought by the right hon. and learned Recorder, of two men convicted by the evidence of their mistresses, who could not have given evidence if they had been wives. The first woman told the truth and convicted her paramour. Well, suppose she had been his wife, was there not something repugnant to English feeling in the idea of obtaining a conviction against a prisoner by the evidence of his wife? Moreover, what a terrible temptation you would hold out to the wife to commit perjury? But take the right hon. and learned Recorder's second prisoner. His mistress attempted to establish his innocence by lying, but broke

down under cross-examination. But suppose the man had been really innocent, and the wife, nervous and full of anxiety, had been called to prove his innocence. Might it not have happened that her very interest in the case would have caused her to break down under the astute cross-examination of counsel, and her evidence might have helped to convict an innocent man just as that of the mistress helped to convict a man who was really guilty? Upon the whole, he (Mr. Knatchbull-Hugessen) regarded the Bill as one which would militate very greatly against the interest of the prisoners, and, in spite of his respect for the right hon. and learned Recorder, he could not support it. He apprehended that his hon. Friend the Member for Poole (Mr. Evelyn Ashley) would be satisfied for the present Session with the ventilation which the subject had received; and, for himself, he must say that upon the whole he did not think a sufficient case had been made out for a change in the law of England in this important particular, and he felt bound to say that the Preamble of the Bill was not proven.

THE ATTORNEY GENERAL, in opposing the Bill, said that, not having been present during the entire debate, he would endeavour to avoid urging at any length arguments which he understood had been already submitted to the House. He was not one of those who thought that private Members were to be blamed for bringing forward Bills of that nature. On the contrary, great advantage, he thought, often resulted from the discussion of such questions as his hon. Friend opposite (Mr. Evelyn Ashley) had brought before the House. The Bill was one of the greatest importance, because if adopted it would effect a radical and sweeping change in the administration of our Criminal Law, and that not only in England, but also in Ireland. Its provisions would apply to every prisoner charged with an indictable offence, or an offence punishable on summary conviction. In either case it would allow the prisoner to submit himself for cross-examination. The Bill said it should be optional for the accused person to do so; but it was clear that if a prisoner failed to avail himself of an opportunity of explaining his position, by giving evidence on oath, his doom would be sealed. He was

*Mr. Knatchbull-Hugessen*

ready to admit that there was a great amount of plausibility in the Bill—that there was a great deal in it that was seductive, and that the Bill had been supported by arguments of great force; but, nevertheless, he had come to the conclusion that the measure was one that it was not advisable should become law. First, he thought that if the Bill passed, it would tend to weaken the confidence which at present existed in the administration of justice in this country; and, secondly, that whilst they might by it try to bring home a particular crime to a particular person, it would be at the expense of creating even a greater crime than that with which the person stood charged. The widespread and well-founded confidence of the country in the administration of criminal law had its origin in the feeling that although occasionally a criminal might escape, it was almost impossible under our system for an innocent person to be convicted. No man was put upon his trial unless some facts and circumstances of a suspicious character could be proved against him, and if he declined to give an answer the counsel for the prosecution would press forcibly upon the jury the argument that he had no answer to give, and in nine cases out of ten such reasoning would be convincing. Although the Bill was plausible in its object of allowing a prisoner to give evidence, its effect would be to compel him to do so; and, if he did, what would happen? They would have an ignorant, careless, inexperienced man on one side, and pitted against him an astute, trained advocate conducting the prosecution. Would they like to see any such prisoner, however desirous he might be of telling the truth, subjected to an ordeal in which he might be cross-examined as to every event of his life—as to some things which he might not be desirous of disclosing at all, some which he would hesitate to speak to because they would reflect upon a third person, some as to which he might give an evasive answer, and all which circumstances could not fail to weigh against him with the jury? But it was said that the prisoner might be examined by the Judge. Well, he hoped they would not witness the day in which a Judge might be seen engaged in a contest with the prisoner he was trying. The moment a Judge descended from the calm, serene atmosphere with which

he ought to be surrounded, to the region of turmoil and advocacy, that moment he would lose the fairness and impartiality which ought to distinguish all who held the high office of a Judge. It might be that he would do so unconsciously; but, even without desiring to do so, he could not help entering into a contest with the prisoner which would, at least, have the effect of shaking confidence in his perfect impartiality. But it was said that the system worked well in America and other countries; and he always remarked that when any of our institutions were arraigned they were invariably referred to those of other countries, which were said to be superior to our own. For his part, he very much doubted whether they were; and this he held—that, so far as the administration of justice was concerned, England stood supreme among all the nations of the world. Among other reasons he might mention which led him to oppose the Bill, he would allude to only one, and that was that in the whole calendar there was hardly an offence of greater heinousness than perjury, for by reason of it men might lose their estates, reputation, and liberty; and yet the Bill would offer a premium for that grave and detestable crime. For these and many other reasons, he was convinced, as he had said, that such a measure ought not to pass into law.

MR. WHALLEY thought that the arguments of the hon. and learned Gentleman who had just sat down were disposed of by the experience of the Civil Courts, in which no injurious consequences or practical inconvenience had been found to arise from the fact that interested parties were allowed to give evidence in their own cases. The present system left accused persons almost entirely at the mercy of the police, who frequently perjured themselves and conspired together in order to secure convictions. ["Oh, oh!"] There was great and growing dissatisfaction in many places against the conduct of the police, and he was afraid that in some cases policemen were continued in their office who ought to have been removed. He hoped that the existing law would be modified so far as persons charged with misdemeanours were concerned, if the Amendment did not go further. He could assure the hon. and learned Attorney General that he "inherited a

pledge" from his Predecessors in office to give this matter full and practical consideration.

MR. EVELYN ASHLEY, referring to an observation of the hon. and learned Attorney General, said, that if the Bill had been proceeded with, many of the arguments against it would have been answered as he would have proposed the insertion of the provisions which he intimated the first time he spoke upon the measure—that neither the Judge nor the prosecuting counsel should make any remarks upon the absence of a prisoner from the box, and that there should be no cross-examination of a prisoner as to previous character or previous convictions. He was perfectly satisfied with the tone of the debate, and he regarded the speech in favour of the Bill by the right hon. and learned Recorder as calculated greatly to assist the progress of opinion on the question. With the permission of the House, he would withdraw the Motion for the second reading of the Bill.

Amendment and Motion, by leave, withdrawn.

Bill withdrawn.

#### VALUATION OF PROPERTY (METROPOLIS) ACT (1869) AMENDMENT BILL.—[BILL 74.]

(*Mr. J. G. Hubbard, Mr. Forsyth, Mr. Twells.*)

SECOND READING. BILL WITHDRAWN.

Order for Second Reading read.

MR. J. G. HUBBARD, in moving that the Bill be now read a second time, said, that he did not intend to press the measure upon the House, but that he desired simply to make a statement with a view to some legislation at a future time. [The hon. Member here explained the provisions of the Bill, and entered into some details as to the mode in which he wished the existing law to be amended, particularly as to the mode of assessment.] In conclusion, he said, he would formally move the second reading of the Bill, with the view of hearing something from the Government on the subject, though he felt that there was no option but to allow the Order to be discharged. He was strongly opposed to the discrepancies, the anomalies, and the injustice of the present system, but he thought it would be better to wait for

the introduction of a Government measure next Session, which he hoped would supply a general remedy.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. J. G. Hubbard.*)

MR. SCLATER - BOOTH regretted that, owing to the present state of Public Business, he should have to move that the Order for the Government Valuation Bill should be discharged, as under that, the general measure, they might have successfully dealt with the particular case of the metropolis. He had been in communication with all parts of the country, and every local authority on the subject, and he believed there was a general approbation of the principle contained in the Bill, which was, if possible, to establish a system of uniformity throughout the country in the cases of valuation of property. He would not enter then into a discussion upon the question whether the charge should be on the rateable or the gross value. He was not prepared to say what might happen during the Recess, but the more he had considered the question, the more satisfied he felt that the plan he had proposed would be the least disturbing. It would be impossible for the Government to agree to the second reading of the Bill, which would apply to the metropolis a measure founded on a principle different from that applicable to the rest of the country.

MR. MUNTZ thought the Bill required great consideration, and hoped the House would have an ample opportunity of discussion. Should it be withdrawn, they might then have a more satisfactory general proposal put before them next year.

MR. M'LAREN entertained the same opinion, that the Bill required serious consideration; and he could say that in the City of Edinburgh, which he represented, the inequality of the valuation of property, as compared with the provisions of this Bill, would be unequal and unjust. He opposed the Bill on the ground that it was a species of class legislation, giving a remedy to the metropolis at the expense of all the large towns in the United Kingdom. Whatever was done in the way of putting the present system of valuation upon a uniform basis should be made to apply to the whole country.

*Mr. Whalley*

CHADWICK said, that there be a common measure of value should be applicable to the whole, and to all the taxation paid by entry—a thing which it was clearly to arrive at.

GRAHAM MONTGOMERY that when any change was made land, it would be in favour of a rateable value both for Imperial and local purposes. He desired to see also the principle of valuation in cities and by parishes, as it was in vogue in Scotland.

ERAL SIR GEORGE BALFOUR anxious that the question of valuation should be properly adjusted, so that localities and inequalities might be removed. The mode of valuing property both for local and Imperial taxation differed in the three divisions of the Kingdom. The Irish values were, in many instances, based on prices existing many years since; and in England, county and local valuations were based on data varying with the counties themselves. In Scotland, on the contrary, the basis of valuation was uniform throughout, and had been so since 1854. On the whole the Scotch valuation was the best; but the superiority of the measure being vested in the local Clerk Register, he feared that active many irregularities took place which led to great inequalities. It was very necessary that some Department of the Government should attend to the valuing of property throughout the Kingdom. Unfortunately there existed a great diversity of administration; the valuation of Ireland being under the Secretary of Ireland, that of England and Wales being divided amongst the Treasury, Home Office, and Local Government Board, whilst that of Scotland was left to that overburdened officer the Lord Advocate; the result being that the valuation of property in the three divisions varied so greatly as to be almost unreliable from the absence of uniformity in the data on which it was based.

THE CHANCELLOR OF THE EXCHEQUER suggested that the Bill should be withdrawn, on the ground that inconvenience would be occasioned by a division being taken upon it. Of course, there was no chance of its passing, and it was useless to press it forward, for as the right hon. Friend had said no Bill

could be sanctioned upon the subject, which dealt with the metropolis solely.

MR. J. G. HUBBARD said, he would assent to the suggestion of the right hon. Gentleman, and withdraw the Bill.

Motion, by leave, *withdrawn*; Bill *withdrawn*.

## HOMICIDE LAW AMENDMENT BILL.

[BILL 75.]

(*Sir Eardley Wilmot, Mr. Whitwell.*)

### SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [8th March], "That the Bill be now read a second time."

#### Debate resumed.

SIR GEORGE BOWYER said, he hoped that the measure would be read a second time, although it would require considerable modification in Committee. It contained an important principle—that was, to divide murder into two degrees, one of which only, murder in the first degree—that was murder deliberately committed—should be punished with death. That was really the proper definition of murder, for, in his opinion, no act should be punished as murder, except the unlawful killing of another with the deliberate intent to kill.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

House adjourned at  
Six o'clock.

## HOUSE OF LORDS,

*Thursday, 27th July, 1876.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Ardglass Harbour\* (193); Parochial Records\* (194).

*Second Reading*—Convict Prisons (Returns)\* (179); Sale of Man (Officers)\* (174).

*Committee—Report*—Medical Act (Qualifications)\* (184); Clean Rivers\* (182).

*Third Reading*—Nullum Tempus (Ireland)\* (171); Turnpike Acts Continuance\* (175); Orphan and Deserted Children (Ireland)\* (180); Legal Practitioners (Ireland)\* (170), and passed.

GASLIGHT AND COKE COMPANY BILL,  
SOUTH METROPOLITAN GASLIGHT  
AND COKE BILL.—COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

LORD REDESDALE said, that these Bills were of such an important character that they deserved to be considered in Committee of the Whole House. The powers which the promoters sought were very extensive. They proposed to raise two millions of money, to purchase land, to fix the price of gas, and to do a great many other things which affected the interests of the whole metropolis. He thought it desirable, therefore, availing himself of the power that was vested in him under the Standing Orders, to move that they be referred to a Select Committee of the Whole House.

*Moved*, "That the House be put into a Committee on the said (the Gaslight and Coke Company Bill). Bill."—*The Lord Redesdale*.

THE EARL OF CAMPERDOWN said, these Bills were promoted by two private Companies—there was nothing whatever on the face of the Bill or that which followed on the Notice Paper to show that they were promoted by public bodies, or that they could in any way be considered as public Bills. They were supported, however, by the President of the Council, representing the Board of Trade; and he could not help thinking that it was somewhat irregular on the part of the head of a public Department to promote a Bill without letting Parliament know that it was in reality a Bill of a public character. The Gaslight Companies, he might add, had in their hands the lighting of nearly the whole of the metropolis; and this was not all, for another Bill had been introduced into the House of Commons within the last two or three weeks, in defiance of the Standing Orders, the object of which was to amalgamate three out of four Companies, and which was now being hotly contested before a Committee of that House. Now, if that Bill came up to their Lordships' House all the Standing Orders would have to be suspended, and a measure would thus be passed without adequate consideration, which related to Companies whose

capital amounted to two millions and a half.

THE MARQUESS OF SALISBURY was understood to say that he believed the Board of Trade repudiated all connection with the Bill now before the other House to which the noble Earl referred.

THE EARL OF CAMPERDOWN said, he had reason to suppose that the Bill was supported by that Department; but be that as it might, the result of all that had occurred in regard to those measures was that he now felt himself obliged to enter into an argument on questions of the purest detail, which in reality ought to be referred to a Select Committee. In fact, he looked upon the whole course of proceeding in the case of those Bills as most unsatisfactory.

*Motion agreed to*; House in Committee accordingly.

THE EARL OF CAMPERDOWN rose to move the insertion of a clause of which he had given Notice. His object in doing so was this—these Bills allowed, under certain conditions, that the dividends should be paid up to any amount. Now, at present, the Gas Companies had what was known as a Parliamentary dividend, which was a practical guarantee of 10 or 7 per cent or less, according to the rate at which their capital had been raised. Under no circumstances could they at present go beyond 10 per cent; but by these Bills it was proposed to introduce a new principle—that of a fixed initial price, with a sliding scale. It had been the almost invariable custom in the case of the transfer of the supply of gas from private Companies to the local authority, to make the transfer at so many years' purchase of the statutory dividend. Gas was being manufactured more cheaply every day, and the consequence would be that under the powers given by these Bills the dividends would be proportionately increased. It was not likely that a Company which was guaranteed 10 per cent would accept an unguaranteed dividend that was not to be more than 10 per cent—they might, if they exercised the power proposed to be given by these Bills, demand 12 or even 15 per cent. The result would probably be that it would be found impossible to buy the Company up, and it would become perpetuated. His proposal did not interfere with the rights of

the existing shareholders; he gave them 10 per cent, but he asked that they should not be given any more. In conclusion, he might remark that the clause he was about to propose had received the approval of the noble Duke (the Duke of Richmond and Gordon), to whose opinion he was sure their Lordships would attach due weight. The noble Earl then moved, after Clause 24, to insert the following clause:—

“For the purpose of estimating the value of the capital of the company in the event of the purchase of the undertaking or any part thereof by any public or local authority, whether by agreement or otherwise, the several descriptions of stock or shares in such capital authorised before this Act shall, notwithstanding anything in this Act contained, be considered as entitled only to such dividends respectively as were authorized in respect thereof before the passing of this Act; and the stock or share capital raised under this Act shall for such purpose as aforesaid be estimated as entitled to a dividend of 10 per cent.”—(*The Earl of Camperdown.*)

THE MARQUESS OF SALISBURY deprecated the course adopted by the noble Earl (the Earl of Camperdown), of recommending his clause to their Lordships on the personal authority of the noble Duke (the Duke of Richmond and Gordon), who was not in his place, and who, if he expressed an opinion in favour of the noble Earl's project, no doubt did so without prejudice to any more mature judgment which he might subsequently form. He was very much inclined to think, however, that the noble Earl was mistaken in believing that the noble Duke (the Duke of Richmond and Gordon) had expressed approval of the clause. He doubted exceedingly whether the noble Duke would have done so without consulting his Colleagues in the Government. But, however, that might be, he had to demur altogether to the proposal of the noble Earl opposite. He wished to protest, in the first place, against the view insinuated or stated by the noble Earl, that the Government were in this matter taking part with the Gas Companies against the consumers. The Gas Companies were quite strong enough to take care of themselves; and if the Government opposed the clause it was because they thought it would bear hardly on the consumer; and that if drawn up by the noble Earl in the public interest, it was marked by more zeal than knowledge. The Bill was earnestly supported

by the Corporation of London and the Metropolitan Board of Works, both of whom were elected Bodies, and who had always maintained a careful watch over the action of the Gas Companies; and in view of such a recommendation in its favour, he was sure their Lordships would, at all events, give it very careful consideration before they consented to destroy its leading principles—which was what the clause proposed to do. A Committee which considered the gas question very fully last year, under the presidency of Mr. Forster, recommended to Parliament what was known as a sliding scale. For many years before the Companies had enjoyed a guaranteed dividend of 10 per cent; the effect of which was that they had no inducement to improve their process of manufacture, to exercise economy, or to benefit the consumers in any way; and Mr. Forster's Committee, with the view of remedying that state of things, proposed that, starting from the price which the Companies were then allowed to charge—namely, 3s. 9d.—and from the dividend of 10 per cent which they were allowed to earn, there should be a sliding scale up and down; that for every 5s. of dividend which the Companies were allowed to earn in excess of 10 per cent they should grant to the consumer the reduction of 1d. That was the proposal of of this Bill. That arrangement, however, the advantage of which to the consumer was obvious, the noble Earl opposite asked them to disturb. The Bill, in addition to those provisions, contained a set of clauses to which he would now draw their Lordships' attention—and it was right their Lordships should bear in mind how adverse the Bill was to the Companies. Owing to the advantageous position which they occupied, the Companies, it appeared, were able to command £200 for every £100 of nominal capital, and that extra £100 was divided among the shareholders. The Bill put a stop to that, and provided that capital should be offered by auction, and that the premium obtained should be carried to the capital account of the Company. Upon this the noble Earl opposite came forward with his proposition. He proposed to leave the sliding scale for the present to work unimpeded—to allow the Companies to raise their dividend to 12 per cent and lower the price of gas to 3s. 1d.; but he would allow that 12 per

cent to be earned by the shareholders in security for a single year only, reserving to Parliament absolute power to step in whenever the dividend was above 10 per cent, and sweep away from the shareholders their advantages, paying them merely the price calculated on the old dividend of 10 per cent. Now, if the noble Earl's clause were carried, what would be the position of the shareholders? Although they would no longer have their guaranteed 10 per cent, they accepted the Bill as it stood, trusting by good management to raise their dividend to 12 per cent. But now the House was asked to step in and say to the Companies—"You shall earn this 12 per cent for one year, but we shall have power to buy you out the next." Of course such a prospect as that would be very damaging to the Companies; for, whatever advantage they might have for a single year, their shares would certainly not have an increased value in the market. He asked them not to think of the interest of the Companies, but to think of the consumer, and to say which of the two would be the more advantageous alternative—that the Bill should pass without that clause, or that no Bill should pass? The capital concerned was about £6,000,000 sterling. Let them assume that the price of gas went down, and that the dividend rose. That was the hypothesis on which the noble Earl went and on which they must argue. If the price of gas fell to 3s. 1d. the dividend would rise to 12 per cent. If there was a wish to buy up the Companies, on that £6,000,000 of capital, there would be a loss, taking 20 years' purchase, of £2,400,000—the amount of the additional 2 per cent was £2,400,000. That was the sum which the noble Earl asked them to save to the public purse, and it was only to be saved in the event of there being a Municipality of London to buy up the Companies. What would their Lordships give for the chance of there being such a Municipality for the next 20 years? As for the Corporation of London and the Metropolitan Board of Works, they would not dream of embarking in any such unprofitable and dangerous speculation. On the other hand, while the dividend rose the price of gas fell, and, consequently, the consumers would gain 8d. per 1,000 cubic feet of gas. The consumption during 1875 was 9,000,000,000 of cubic feet,

*The Marquess of Salisbury*

and it increased at the rate of about 7 per cent every year. The accounts would have to be adjusted upon the results of the year 1877; and then the amount of gas on which they would have to calculate would be 10,000,000,000 of cubic feet. At 8d. per 1,000 that would give them £330,000. In less than eight years that would accumulate to the £2,400,000 which was the terror of the noble Earl. But if they took into the calculation the annual increase of 7 per cent in the consumption, they would find that in six years' time the gain to the consumer by the fall of the price would come up to that £2,400,000 which, if the Municipality purchased, would be lost to the ratepayers through the rise of dividend. If, then, they caused that Bill to drop, the loss to the consumer in six years would more than equal the loss that was feared in the case of compulsory purchase, and as time went on it would infinitely exceed it. He believed that that idea of a municipal purchase was a mere chimera. If within six years a Municipality of London sprang into being which was willing and able to purchase these Gas Companies, there would be some slight loss in consequence of the arrangements under this Bill, and the absence of the clause of the noble Earl; but if a Municipality of London did not appear after six years, the absence of this Bill would cause a loss every succeeding year to the consumer which would have no end. He hoped their Lordships would not allow it to be said that for idle dreams they had taken from the consumer the real and practical benefit of cheap gas.

VISCOUNT CARDWELL pointed out the fallacy of assuming, as the noble Marquess had done, that there would be no reduction in the price of gas, if they did not pass that particular Bill. The noble Marquess had answered his own argument when he told them that the consumption of gas was increasing so rapidly that the price must necessarily fall. Their object, he contended, should be to secure the benefit of that fall for the consumer, and not to give a considerable portion of it by that proposal in perpetuity to the producers. This Bill was, in fact, promoted by a Department of Her Majesty's Government—he had heretofore thought that there was a clear separation between Public and Private Bills—and the main object of this Pri-

vate Bill was to repeal a most material provision of a Public Act, introduced by the Board of Trade, for the protection of the consumer. Under the Act there were clauses which provided for the revision of the price of gas as the increase of its consumption enabled it to be reduced; but it was now proposed by this Bill to substitute for those clauses a sliding scale by which they would divide between the consumer and the producer the advantage of the continually accruing reduction of price. The Companies had their 10 per cent secured to them; that was all they were entitled by law to obtain, and yet those who wished to protect the just interests of the consumer were now compared to Bashi-Bazouks. Under the Acts of both 1847 and 1860 the London Gas Companies had had advantages conferred upon them which were not accorded to provincial gas companies, for they obtained a minimum as well as a maximum of 10 per cent, and if the present measure were passed they would be placed in a still better position, for they would obtain a share of the profit which ought to go to the benefit of the consumer. He objected to this partiality being shown towards them in a Bill which was promoted by a Government Department, and which was brought under the consideration of that House on the 27th of July, when their Lordships were told that if they made the slightest alteration in the Bill it could not pass into law during the present Session. He did not believe that the introduction of this clause would destroy the Bill; but he would rather it did, than see the Bill passed without the clause under such circumstances.

THE LORD CHANCELLOR explained that, as the Bill embodied a compromise which had received the sanction of 8,000 shareholders, of the Corporation of the City of London, and of the Metropolitan Board of Works, as the representatives of the public interest, it would be impossible to materially alter the Bill without again submitting it to the consideration of the shareholders, and that was tantamount to throwing it over for the present Session. The Bill had been passed through a Select Committee of the House of Commons and had met with its approval. He denied that the measure was promoted by Her Majesty's Government, as was said, further than that the Board of Trade

had sanctioned it as being for the public interest. This being a private agreement between two parties it could only be dealt with by a Private Bill. He regretted that it should have come up to their Lordships so late, but it had had to pass through a Select Committee of the other House. He admitted the right of their Lordships to deal with every line of every Bill that was brought before them, but he entreated the House to consider whether in the position at which the question involved in the Bill had arrived, it would be wise by adopting the clause of the noble Earl to leave the gas consumers of London in such a position as that they might be called upon to pay 5s. per 1,000 feet for gas instead of a maximum of 3s. 9d. as provided by the Bill.

LORD CARLINGFORD felt compelled to assume that if the clause of his noble Friend (the Earl of Camperdown) was adopted there would be an end of the Bill for the present Session, and therefore the question, as it appeared to him, was, whether the fact that, under the Bill the shareholders in the Companies might now possibly obtain somewhat higher dividends and at some future time sell their properties for a larger sum than would be paid in other circumstances, that disadvantage to the consumer was not counterbalanced by the settlement that would be brought about by the provisions of the Bill. He thought, on the whole, that the advantages that would flow from the Bill were greater than the disadvantages that might be feared from it.

EARL NELSON said, he was a Member of the Committee which had been alluded to, and the Bodies which had been appointed the legal protectors of the gas consumers made no objection to the proposals which had been embodied in the Bill under consideration. The public had received advantage from the amalgamation of Companies that had been made, and he therefore doubted the wisdom of interfering with the grounds on which the Companies were induced to amalgamate.

THE EARL OF CAMPERDOWN, having said a few words in reply,

On Question? The Committee *divided*:  
Contents 24; Not - Contents 27: Majority 3.

*Resolved in the Negative.*

*Bill reported without Amendment.*



THE JUDICATURE ACTS—CAVE v.  
MACKENZIE.

OBSERVATIONS. QUESTION.

LORD SELBORNE rose to call attention to certain proceedings which were reported to have occurred at the recent Chelmsford Assizes, in a case of *Cave v. Mackenzie*, and to proceedings in the Chancery Division, in the High Court of Justice, and in the Court of Appeal in the same case. The noble and learned Lord said that as this subject had been much discussed in the public journals, he deemed it necessary to advert to it, and to put to his noble and learned Friend the Questions of which he had given Notice. It appeared that on the 18th of June last the Master of the Rolls directed certain issues of fact, arising out of the case of *Cave v. Mackenzie*, to be tried at the present Chelmsford Assizes. From the Law Reports in *The Times* he learnt that at those Assizes there were nine causes entered for trial before Baron Huddleston, one of them being the case of *Cave v. Mackenzie*. It appeared from *The Times* report that on the 17th of July—

“When the case was called on, his Lordship left the Court to consult the Lord Chief Justice of England as to whether, since the passing of the Judicature Act, the Master of the Rolls ought not to have tried the case himself. His Lordship returned into Court, and announced that, having consulted the Lord Chief Justice, he should decline to try the cause, and the parties must go back to the Master of the Rolls.”

If the matter had gone no further he should have assumed that there was some error in this Report. But, from the same channel of public information, it appeared that on the 19th of July the matter was brought before the Master of the Rolls on the same representation as to what had occurred at Chelmsford. The Master of the Rolls, after referring to Order 36, Rule 29, and the Judicature Act, 1873, sect. 29, declined to alter the order he had previously made, and in the execution of which considerable expense was said to have been already incurred; and he suggested that there should be an appeal from the order or decision of the Judge of Assize. In accordance with this suggestion an application was stated to have been made to the Lords Justices of Appeal, who thought they had no power as Judges of Appeal to deal with the matter, and

who suggested that if any remedy existed at all it was to petition Parliament or to bring the matter before the Lord Chancellor or the Attorney General. Such being the state of things, he thought that it probably would not be unacceptable to the learned Judges, and that it would enable suitors to understand their rights in this respect, if he called their Lordships' attention to the matter. He would not go into the subject at any length as far as the law was concerned, but for his part he had understood that the general principal of the Judicature Acts was that all the Courts which had previously been divided should be brought together into one High Court of Justice, and that although for convenience in the distribution and transaction of business the Court was subdivided into certain Divisions, in which the old names were retained, yet all those Divisions had the like powers and the same jurisdiction. In particular, the 29th clause of the Act of 1873 provided that Her Majesty might assign to any Judge or Judges of the High Court of Justice the duty of trying at the Assize towns any questions or issues of law, or partly of fact and partly of law, in any cause or matter pending in the High Court of Justice. This applied to the Chancery Division as much as it did to any other Division of the Court. All the other Divisions of the Court were in the daily practice of sending for trial at the Assizes or at the sittings in London or Middlesex all actions which were to be tried by juries, and he was at a loss to understand why the Chancery Division should not have the same power of sending issues to be tried in the same manner. It seemed that under the Judicature Act every Court and every Judge had ample power to direct a trial to be held at any particular place, and when any order had been so made for the trial of a cause at the Assizes, the Judge of Assize could not constitute himself a Judge of Appeal to decide upon the order which had been made, but was under a legal obligation to try the case in accordance with the order which had been made. He found in the Orders made for the execution of the Act of 1873 the following provisions:—

“Section 1. That where no place of trial is named in the statement of claim, the place of trial shall, unless a Judge otherwise orders, be the country of Middlesex. Any order of a

Judge as to such place of trial may be discharged or varied by a Divisional Court of the High Court."

"Section 12. Notice of trial elsewhere than in London or Middlesex shall be deemed to be for the first day of the then next Assizes at the place for which notice of trial is given."

There was also the 29th section of the same Orders, which said—

"In any cause, the Court or any Judge of the Division to which the cause is assigned may at any time, or from time to time, order the trial or determination of any questions or issue of fact, or partly of fact and partly of law, by any Commissioner or Commissioners appointed in pursuance of the 29th section of the Act, or at the sittings to be held in Middlesex or London, and such question or issue shall be tried and determined accordingly."

He would only add that since he gave Notice of his intention to advert to this subject in their Lordships' House, some explanations had been publicly given by the learned Judges on the South-Eastern Circuit, by which it appeared that there was another reason alleged besides those stated in the report for the course which had been taken—namely, that the case would have occupied so much time that it would have been impossible to deal with it without postponing the other business of the Assizes, which would probably be under any circumstances a sufficient reason for making it a remanet. If that had been done, he should not, of course, have deemed it necessary to trouble their Lordships in the matter, and he would now conclude by asking his noble and learned Friend on the Woolsack, Whether it was true that Baron Huddleston refused to try certain issues directed by the Master of the Rolls to be tried at the Chelmsford Assizes, on the grounds that the Master of the Rolls ought to try them himself; and, if so, whether such refusal was in accordance with law; and whether the Court of Appeal had declared itself to be unable to grant any redress in this case; and, if so, how the administration of the law according to the Judicature Act of 1873, Section 29, and Order 36 of the Schedule to the Judicature Act, 1875 (Sections 1, 12, and 29), was to be enforced in favour of the suitors in the Chancery Division of the High Court of Justice?

THE LORD CHANCELLOR said, he was not surprised, nor did he at all regret, that his noble and learned Friend had brought the subject under their

Lordships' notice, for it was one which had undoubtedly created a certain amount of uneasiness in the public mind, and especially among the suitors in the High Court of Justice. In replying to his noble and learned Friend, the best course which he could, he thought, pursue was to read to the House communications which he had received from both the Lord Chief Justice and from Baron Huddleston. The Lord Chief Justice had written to him as follows:—

"South-Eastern Circuit, July 22.

"Dear Lord Chancellor,—The postponement by Baron Huddleston, at the recent Chelmsford Assizes, of the trial of an issue sent down for trial by the Master of the Rolls having given rise to observations in the public papers, as so often happens on an imperfect apprehension of the facts, and Notice having been given of a Question to be put in the House of Lords on the subject by Lord Selborne, I think it desirable that you should be put in possession of the exact facts of the case.

"Being desirous of remaining as long as possible to assist in doing the work of our Courts in town, and not anticipating more than the average run of business on the circuit, Baron Huddleston and I, the Judges of Assize on this circuit, had allowed only the usual time at the different circuit towns. On arriving at Chelmsford we found the business on the Civil Side apparently much heavier than we had expected, and Baron Huddleston, who sat on the Civil Side, was informed that this issue, sent down by the Master of the Rolls for trial, would occupy fully three days; in other words, the whole time at the Assizes; so that if tried, as it stood early in the list, it would lead to all the other causes being made remanets. Baron Huddleston consulted me, and, as it did not appear that there had been any special ground for sending this issue to be tried at Chelmsford, but, on the contrary, it might just as well have been tried by a jury before the Master of the Rolls himself—indeed, we were informed that the Master of the Rolls had at first refused to order a trial by jury, but, on being applied to a second time, had consented to grant a jury, but, declining to try it himself, had said he should send it to Chelmsford—I, under the circumstances, advised my learned Colleague not to let the trial of this issue displace and supersede the proper local business of the Assize, but to treat it as the last cause in the list, which was done accordingly. It so happened that, having finished the criminal business, I was fortunately able to come to the assistance of my brother Judge, and one or two of the causes, which threatened to be heavy, having been unexpectedly settled, we were enabled to finish the business of the Assize in time, without leaving any remanets. If the issue had been tried this would have been impossible. If any responsibility attaches to the course thus pursued I desire to share it, as my learned Colleague, though fully concurring in my view, acted under my advice. I am still, on the fullest consideration, of opinion that the course taken

was, under the circumstances, the right one. I think it right to add that I further suggested to Baron Huddleston that we should take the first opportunity of your Lordship, as President of the High Court, calling its members together to bring the whole subject of issues sent from the Equity Division to the Common Law Divisions, or Circuits, to be tried by juries, under the consideration of the High Court, it being my very decided opinion that the course which the Equity Judges are understood to be pursuing, of sending all issues of fact calling for trial by a jury to be tried at *Nisi Prius* by a Judge of a Common Law Division, is altogether in excess of the power conferred by Order 19 of the Rules of Court, as well as contrary to the entire spirit of recent legislation in the matter of judicature."

He need not trouble their Lordships with the rest of the letter, in which the argument on that point was expanded. The letter of Baron Huddleston was as follows:—

"The civil business at Chelmsford was unusually and unexpectedly heavy, and there were only two days and part of a third (the Commission day at Hertford) in which to do the whole of the work, both civil and criminal. While trying the first common jury, some application was made to me with reference to the special juries, and I was informed by the counsel engaged in 'Cave v. Mackenzie,' which stood third in the list, that it had been sent to Chelmsford by the Master of the Rolls, who, though applied to, had refused to try it himself with a jury; that it was a matter arising entirely in the Chancery Division of the High Court, and in no way connected with the county of Essex, and, if tried, would occupy at least three days.

"I consulted with the Lord Chief Justice, and we came to the conclusion that I ought not to give it precedence over the other causes or try it at these Assizes, to the prejudice of the business legitimately belonging to the Essex cause-list. In announcing this to the Bar, I stated that the Lord Chief Justice and myself both thought that, considering the spirit of the Judicature Acts and the intention of the Legislature to fuse Law and Equity, as we in the Common Law Division of the High Court had to deal and did deal with all questions of Equity that came before us, the Equity Judges, having every facility afforded them to do so, might well try, with the assistance of a jury, any question of fact which arose before them, and not send it to the Assizes or the Courts of Common Law, already overwhelmed with the pressure of their own business.

"I did not make the cause a remanet, as I might have done (it being impossible to try it within the compass of the time allotted to the Assizes), because I did not think it right by so doing to throw on any brother Judge who might go the Spring Circuit the duty of trying it. But the Lord Chief Justice and myself agreed that the opinion of the Judges of the High Court should be obtained on the subject at their first meeting.

"If, in their judgment, the case ought to be tried by a Common Law Judge, I intend, if the

parties desire it and the Master of the Rolls will vary his order to that effect, to try it myself in London or Middlesex with a special jury, and thus spare the parties the delay till March, and save them the extra expense of taking it down again to Chelmsford."

Now, those two letters stated very clearly what occurred at the Assizes, and were an answer to the first part of the Question. His noble and learned Friend then asked, whether the refusal to try the case was in accordance with the law? Now, that was a point on which he (the Lord Chancellor) desired to speak with all reserve; but, so far as was proper, he would remind their Lordships very briefly of what had been enacted by the Legislature on the subject. His noble and learned Friend had referred to the 29th section of the Judicature Act of 1873; but he had not read the following paragraph:—

"Her Majesty, by Commission of Assize, or by any other Commission, either general or special, may assign to any Judge or Judges of the High Court of Justice or other persons usually named in Commissions of Assize the duty of trying and determining within any place or district specially fixed for that purpose by such Commission any causes or matters, or any questions or issues of fact or of law, or partly of fact and partly of law, in any cause or matter depending in the said High Court, or the exercise of any civil or criminal jurisdiction capable of being exercised by the said High Court."

There was, no doubt, no exception there drawn between one Division of the High Court and another; but lower down occurred the following passage:—

"Subject to any restrictions or conditions imposed by Rules of Court, and to the power of transfer, any party to any cause or matter involving the trial of a question or issue of fact, or partly of fact and partly of law, may, with the leave of the Judge or Judges to whom or to whose Division the cause or matter is assigned, require the question or issue to be tried and determined by a Commissioner or Commissioners as aforesaid, or at sittings to be held in Middlesex or London as hereinafter in this Act mentioned, and such question or issue shall be tried and determined accordingly."

A further section—the 37th—provided that—

"Subject to any arrangements which may be from time to time made by mutual agreement between the Judges of the said High Court, the sittings for trials by jury in London and Middlesex, and the sittings of the Judges of the said High Court under commissions of Assize, Oyer and Terminer, and gaol delivery shall be held by or before Judges of the Queen's Bench, Common Pleas, or Exchequer Division of the said High Court, provided that it shall be lawful for Her Majesty, if she shall think fit, to include

in any such Commission any ordinary Judge of the Court of Appeal or any Judge of the Chancery Division to be appointed after the commencement of this Act or any Serjeant-at-Law."

Then the 29th Rule of Court, which was part of the Act, was to this effect—

"In any cause the Court of a Judge of the Division to which the cause is assigned, may"—and then came these remarkable words—"at any time, or from time to time, order the trial and determination of any question or issue of fact or partly of fact and partly of law, by any Commissioner or Commissioners appointed in pursuance of the 29th section of the said Act, or at the sittings to be held in Middlesex or London, and such question or issue shall be tried and determined accordingly."

Now, these were the provisions which bore on the point. They seemed to take a large and comprehensive view. The power given was like every other power subject to discretion, and it was better that he should say nothing on that point. But whatever might be the principle on which that discretion ought to be exercised, their Lordships would agree with him that once a case was sent down by a Judge who had the power to send it down to be tried at the Assizes, there ought not to be at the Assizes any investigation of the principle on which the case was sent down. The suitors, in order to go to trial, would be put to considerable expense—they had their witnesses ready and their counsel; and then, if the question was to be raised as to whether it was a discreet and proper thing to send the case down, the persons who would suffer by the raising of that question would be the suitors.

LORD COLERIDGE was exceedingly glad that his noble and learned Friend had called attention to the matter, for it was one which concerned very much the interests of the public. In his opinion there should be a general understanding among the Judges as to the principles upon which the new law should be carried into effect. He absolutely agreed with the last observation of his noble and learned Friend on the Woolsack, that it was exceedingly inconvenient that when a case had been sent down for trial at Assizes any question should be raised as to the propriety of it having been sent down; but he also thought that it was exceedingly desirable that there should be a distinct understanding upon the matter. But he, and those with whom he was associated, the Judges of

the Common Law Divisions, felt strongly with regard to the point raised in this case—they thought that, while they were willing to take their fair share of the business that arose, those of the other Division of the High Court must also take a fair share of the business. The Judges of the Equity Courts had now, as they always had, the power of sending a case for trial before a jury at any convenient place; but, as he understood, that was hardly the question here. There was no peculiar propriety in sending the case of *Cave v. Mackenzie* to be tried in Essex more than in Northumberland, or anywhere else; it did not belong to the county of Essex, nor had the jurors of that county any reason to expect that they would be troubled with it. As he understood, it was sent down to be tried at Assizes against the protest of both parties to the suit, the Master of the Rolls saying that he would not try the case before himself in the Rolls Court, for "he did not intend to try jury cases." He understood further that the jury box which had been erected in the Rolls Court had very recently been taken down, and therefore there were now no means of trying cases there before a jury. This was to his mind an attack upon the principles of the Judicature Act, and it was going back to principles which had been deliberately modified long before the Judicature Acts passed. There was an Act passed by Sir John Rolt and another by the noble Lord now upon the Woolsack in two Parliaments which enabled Equity Judges to try cases before juries; and it certainly was desirable that the Judge who had the case before him should dispose of the whole of it. It was not a little surprising, but he could not but feel that at any rate some of the Judges of the Chancery Division had gone away from the spirit of the Act. It was a surprise to the Judges of the other Divisions—they felt that the Judges of the Chancery Division should do the whole of their work as the Judges of the other Divisions did theirs. There had been great misunderstanding upon the question of circuits, and of the rightness of circuit work; upon the small amount of work to do, and the number of Judges to do it. This was made a constant subject of observation. He had been surprised to find it stated that so far from the Judicature Act having worked well the Judges

under it had sat for fewer days than before, that they tried fewer cases than formerly, and that there was now a block of work. He had taken some trouble to ascertain the real state of the case, and as he had derived his information from the highest authority their Lordships might rely upon it. In 1874-5 the total number of judicial sittings at *Nisi Prius* was 540; and for 1875-6, counting down to the 8th of August next, there would be 670. This referred to the sittings in London and Middlesex. An "enormous block of work" had been talked of—it was said that there was a great waste of judicial power at the Assizes, and that Judges were sent down who ought to stay in London and dispatch business there. The amount of *Nisi Prius* arrears in London and Middlesex for the five years beginning with 1871 and ending with 1875, in November for the different years were, 132, 230, 283, 243, and 539. So far as he could judge they would begin in November next with an arrear of about 600 *Nisi Prius* cases. Beginning last November with an arrear of 539 soon after Christmas the whole of that arrear had been got rid of, and there was almost difficulty in keeping the Courts going. Every action entered after the Judicature Act was passed had been tried within three months of entry, and every action remaining at the beginning of the Long Vacation would have been standing for trial considerably less than three months. The three cases which he had himself tried that day were entered respectively on the 9th, 18th, and 27th May. Therefore the notion that had arisen was perfectly unwarranted. From Returns he found that in the Court of Queen's Bench and the Court of Common Pleas the state of business was more satisfactory now than it had been at any time during the last five years. As to the business in *Banco* the arrears were only 150. He hoped that the observations he had made would help to clear up any misconception which existed on the subject.

#### PAROCHIAL RECORDS BILL [H.L.]

A Bill to amend the Law relating to Parochial Records—Was presented by The Viscount HUTCHINSON; read 1<sup>st</sup>. (No. 194.)

House adjourned at half past Seven o'clock,  
till To-morrow, a quarter before  
Five o'clock.

*Lord Coleridge*

## HOUSE OF COMMONS,

*Thursday, 27th July, 1876.*

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Tralee Savings Bank \* [275].  
*Second Reading*—Local Government Board's Provisional Orders Confirmation (Bilbrough, &c.) \* [265]; Local Government Provisional Orders (Birmingham, &c.) \* [266]; Savings Banks (Barrister) \* [269]; Slave Trade \* [270].  
*Select Committee*—Metropolis Gas (Surrey Side) \* [204], Mr. Goulding *disch.*, Mr. Onalow *added*.  
*Committee*—Elementary Education [155]—*a.r.*  
*Committee*—*Report*—Bishopric of Truro [185]; Juries Procedure (Ireland) \* [261]; Superannuation (Unhealthy Climates) \* [263].  
*Considered as amended*—Cattle Diseases (Ireland) [94]; Winter Assizes \* [245]; Poor Law Rating (Ireland) \* [156].  
*Withdrawn*—Public Records (Ireland) Amendment \* [141].

## TURKEY—THE NAVAL FORCE IN TURKISH WATERS.—QUESTION.

MR. BIGGAR asked the First Lord of the Treasury, For information as to the number and names of war vessels, and the complement of men in the same, that are now stationed in waters under the Government of Turkey; if any, and what number of persons recently in the service of Her Majesty Queen Victoria have been transferred to the service of the late or present Sultan of the Turks; and, if any war stores of any kind soever have been lent, bestowed, or sold by the servants of Her Majesty Queen Victoria to the late or present Sultan of the Turkish Empire?

MR. DISRAELI: I conclude that the hon. Gentleman does not mean to ask for information as to the number and names of the war vessels of all nations in Turkish waters, because the Question as expressed applies to the naval forces of all nations. It would not be in my power to give him that information, even if it were exactly proper that I should do so. But if his inquiry is limited to Her Majesty's Fleet at present in Turkish waters, it consists of 20 vessels—11 iron-clads and nine unarmoured ships of war. With regard to the second Question—whether any and what persons recently in the service of Her Majesty have been transferred to the service of the late or present Sultan—my answer is, none have. And with regard to the third Question, my answer is that

no stores have been sold by Her Majesty's servants to the late or present Sultan.

#### ARMY—COURT MARTIAL ON CAPTAIN ROBERTS.—QUESTION.

MR. STACPOOLE (for Sir ALEXANDER GORDON) asked the Judge Advocate General, Whether it is true, as reported in the "Broad Arrow" of the 15th instant, that the officer officiating as his deputy at the trial of Captain Roberts, 94th Regiment, pointed out to the Members of the Court Martial, when summing up the evidence, that the acquittal of the prisoner would involve the character and standing of his commanding officer; and, if so, whether the conduct of the officiating officer is approved of by him?

MR. CAVENDISH BENTINCK: The issue of the late court martial upon Captain Roberts was limited to a question of fact, whether a certain statement made in writing by the prisoner and alleging acts of gross misconduct towards him by the colonel of his regiment, was true or false. The Deputy Judge Advocate, in summing up the case to the Court, after stating the charges upon which the prisoner was arraigned, spoke as follows:—

"The case before you is thus of the gravest importance, for upon the issue, not only do the honour and the interests of the prisoner depend, but indirectly are involved both the character and the reputation of his commanding officer."

In answer to the latter portion of the Question I have to say that, in my opinion, no exception can be taken to these observations, and that the Deputy Judge Advocate fulfilled his duty satisfactorily in every respect.

#### TURKEY—ALLEGED ATROCITIES IN BULGARIA.—QUESTION.

MR. EVELYN ASHLEY asked the Under Secretary of State for Foreign Affairs, Whether in the Mission despatched from the British Embassy at Constantinople to inquire into the outrages in Bulgaria, there has been sent any responsible person acquainted with the Bulgarian language?

MR. BOURKE: The gentlemen appointed to inquire into and report on the alleged atrocities committed in Bulgaria are M. Dupuis, the British Vice Consul

at Adrianople, and Mr. Baring, one of the second secretaries in the Constantinople Embassy. M. Dupuis was Vice Consul for 12 years at Sulina, on the Danube, and four years at Adrianople. He is, therefore, well acquainted with the country and people. It is not known whether he speaks Bulgarian accurately; but he is believed to be sufficiently conversant with the language of the country to be able to furnish a good and faithful report. Mr. Baring has been nearly three years at Constantinople, and was previously for some time at Athens. Sir Henry Elliot, in reporting that he had appointed him to accompany M. Dupuis, stated that there was no one better qualified for the duty. It was considered that it would be more effectual for the purpose of the inquiry that some one should go from Constantinople who could report personally to the Embassy and explain if necessary to the Porte what he had seen and learnt.

#### FUGITIVE SLAVES—THE NEW CIRCULAR.—QUESTION.

MR. W. HOLMS asked the First Lord of the Admiralty, If he is now prepared to state what course the Government intends to take with respect to the Report of the Royal Commission on Fugitive Slaves; and, whether it has decided upon withdrawing the Fugitive Slave Circular now in force, more than a month having elapsed since he informed the House that he would be prepared with a statement as to the course to be pursued by Government so soon as honourable Members had sufficient time to consider the Report?

MR. HUNT: It is intended to issue fresh Instructions, and I hope before the Prorogation of Parliament to lay a copy on the Table of the House.

#### ARMY—MILITARY PRISONERS—GUNNER CHARLTON.—QUESTION.

SIR EDWARD WATKIN asked the Right honourable the Paymaster General, Whether any decision has been arrived at as to the promised pension or gratuity to Gunner Charlton, permanently crippled from frost-bite during, or in consequence of, imprisonment in Millbank; and, whether there is any hope of a speedy settlement of a matter which has now

been under discussion for above a year, and has been five times mentioned in Parliament?

MR. STEPHEN CAVE: The Commissioners of Chelsea Hospital would be unable, under existing Warrants, to award a permanent pension to Gunner Charlton on his discharge; but a new Warrant has been framed in order, among other things, to meet his and similar cases. This Warrant has had the approval of the Treasury and of the Commissioners, but some unforeseen delay has occurred in the final settlement of the terms. There is, however, no consequent hardship in Charlton's case, as he has not yet been discharged from the Service.

#### MERCHANT SHIPPING ACTS—SHIPS SURGEONS.—QUESTION.

CAPTAIN PIM asked the President of the Board of Trade, Whether his attention has been called to the Return, No. 316, of this year (Ship Surgeons), being a continuation of Return, No. 240, of Session 1875, by which it appears that since the issue of the Circular in September last by the Board of Trade, addressed to Superintendents of Mercantile Marine and Emigration Offices, no less than thirty-six non-registered persons are still permitted to proceed to sea in medical charge of passengers and crews contrary to Law; whether he has noticed the articles on the subject in the professional papers; and, whether he will take steps to compel compliance with the Law?

SIR CHARLES ADDERLEY: The cases of ships with non-registered surgeons referred to in the Return as having occurred since the Board's Circular are 36 in number. In 25 of these the total number of persons on board, passengers and crew together, did not exceed 100, and therefore the provisions of Section 230 of the Merchant Shipping Act, 1854, and of the Passenger Acts, do not apply to them. Ten cases occurred at Liverpool, at which port, as I stated in reply to the hon. Member's Question in May last, there was a misconception of the meaning of the Act, since rectified. The remaining case occurred lately in London, and the Board of Trade are at present in communication with the owners about it.

*Sir Edward Watkin*

#### NAVY—THE ROYAL NAVAL RESERVE. QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether he is aware that the Regulations of the Royal Naval Reserve, which provide that Lieutenants and Sub-Lieutenants shall undergo in each year a course of twenty-eight days' drill, are systematically evaded by one hundred and seventy-eight officers of that force, forty of whom, as appears by Return of this year, No. 315, have failed to perform any drill at all; and, whether he has any objection to state by whom these appointments are made, and who is responsible for the continuance of unqualified officers in the Royal Naval Reserve?

MR. HUNT, in reply, said, that he had seen the Return giving the statistics of the officers of the Royal Naval Reserve who had attended drill, and he had no doubt his hon. Friend's statement was correct that 40 had failed to perform any drill at all. These officers received no retainers and no payment unless they attended drill. The question would be further considered between the Board of Trade and the Admiralty. The officers were appointed by the Admiralty on the recommendation of the Board of Trade.

#### PRISONS (IRELAND) BILL. QUESTION.

MR. MURPHY asked the Chief Secretary for Ireland, If the Government intend to proceed with the Prisons (Ireland) Bill this Session; and, whether they will be disposed to institute inquiries with the view of ascertaining the propriety or otherwise of assimilating the salaries of the officers of convict prisons in Ireland with those of a similar class of officers performing analogous duties in England?

SIR MICHAEL HICKS-BEACH: The progress of the Irish Prisons Bill is at present stopped by a Notice of opposition on the part of the hon. Member for Dundalk (Mr. Callan), which, so far as I have been able to learn, is likely to receive the support of very few Irish Members on either side of the House. I hope that the hon. Member for Dundalk may be disposed so far to withdraw his opposition as to allow the Irish Bill to reach the same stage as the English

Bill, so that if the latter should become law this year, the Irish Bill may share the same fortune; for I think it would be almost universally regretted by hon. Members from Ireland that their part of the United Kingdom should be a year later than England in obtaining the benefits from improved prison management and the relief from local taxation that may be anticipated from these measures. With regard to the second part of the hon. Member's Question, in 1873, a Departmental Committee inquired into the salaries of Irish convict prison officers, and recommended an improved scale, which is now in force. I think it would be premature to re-open this question unless the proposals of the Government for a general reform of the Irish prison system should be sanctioned by Parliament, in which case it might be very desirable that a fresh inquiry should be instituted into the pay of all prison officials in Ireland.

#### ARMY—THE AUXILIARY FORCES—THE

##### 1st. SURREY MILITIA REGIMENT.

##### QUESTION.

MR. FRESHFIELD asked the Secretary of State for War, Whether the recent removal of the 1st Regiment of Royal Surrey Militia from Richmond to Kingston did not deprive that regiment of the advantages of a good and convenient drill ground and rifle range, and thereby interfere prejudicially (during the late training) with the usual annual course of drill and musketry instruction; whether the officers were not compelled, from want of space, to hire ground for their mess accommodation; whether the sergeants were not deprived of their permanent quarters for themselves and families; and, whether it is the intention of the Government to supply the deficiency of barrack and other accommodation existing at Kingston?

MR. GATHORNE HARDY, in reply, said, that a camping and drill ground was hired for the use of the 1st Surrey Militia adjoining the Brigade Depot barrack at Kingston, and the use of a Volunteer rifle range was also hired for the regiment. The camp ground should have sufficed for the officers' mess, and it was understood that it did so when the ground was hired. The sergeants would retain their quarters while temporarily

absent from their families in camp, and cottages have been hired for the staff sergeants at Kingston. There was no intention of providing more accommodation for the regiment at Kingston; but any renewed proposal by the general officer commanding the district for hiring camp ground another year would be entertained if offered on reasonable terms.

#### INSPECTORS OF IRISH FISHERIES—

##### THE ANNUAL REPORTS.

##### QUESTION.

MR. O'SHAUGHNESSY asked the Chief Secretary for Ireland, The reason of the delay of the report of the Inspectors of Irish Fisheries for 1875, which, under the Act 5 and 6 Vic., c. 106, s. 112, should have been made before January 31, 1876; whether it is true that the report for 1874 was not made till June, 1875; and, whether it will not be possible to arrange for the making of the report within the prescribed time?

SIR MICHAEL HICKS-BEACH: When the Act 5 & 6 Vic. c. 106, s. 112, directed the Report of the Inspectors of Irish Fisheries to be made within a month of the termination of the year to which it related, there were no Boards of Conservators in Ireland, and scarcely any statistics to be collected. A large amount of statistical information, extending, of course, up to the 31st of December in each year, is now annually forwarded by the Board of Conservators to the Inspectors of Fisheries, and published in the Appendix to their Report. These Returns are often delayed, and this year some of them have only been very recently supplied, so that it would be now obviously impossible to make this Report by the date fixed in the Act referred to. The Report for 1874 was not made till June, 1875, and that for 1875 will, I am told, be completed in a few days. I am bound to say that I think, both this year and last, the delay in this matter has been greater than ought to have occurred; and I will endeavour to secure that the Report for next year shall be presented at an earlier date, though, for the reasons I have given, I do not think it would be possible for the Inspectors to comply with the precise requirements of the law.



## CRAB AND LOBSTER FISHERIES.

## QUESTION.

MR. O'SHAUGHNESSY asked the Secretary of State for the Home Department, Whether he will be prepared, during the present Session, to inform the House of the names of the gentlemen to be appointed to inquire into the state of crab and lobster fisheries on the coasts of the United Kingdom; whether the same staff of Commissioners will be appointed to inquire on all the coasts of the United Kingdom; and, whether their inquiries will be held in open Court?

MR. ASSHETON CROSS, in reply, said, it had not yet been decided whether the inquiry would be completed in its present form, or whether a fresh inquiry would be instituted before the end of the Session. He believed that all such inquiries were held in open Court.

## THE FIJI PAPERS.—QUESTIONS.

MR. W. E. FORSTER asked the Under Secretary of State for the Colonies, Why the Papers respecting affairs in Fiji, which were laid upon the Table of the House in August of last year and February of this year, have not yet been furnished to Members?

MR. J. LOWTHER said, that the reason why the Papers referred to by the right hon. Gentleman had not been furnished to Members until the previous day, was the pressure upon the printing staff caused by the fact that this year there had been very heavy Papers to prepare, including those relating to the Straits Settlements and Barbadoes. Steps would be taken to prevent the recurrence of such delays.

MR. W. E. FORSTER wished to know whether, as the Notice with respect to the Fiji Papers was given on Monday, and they were circulated on Wednesday, the delay did not arise after the printing was done?

MR. J. LOWTHER said, the printing department was so occupied with other matters of importance, especially the preparation of the Barbadoes Papers, that those relating to Fiji had for the time to be put aside.

## JUDICATURE ACTS—THE JUDGES ON CIRCUIT.—QUESTION.

SIR WILLIAM HARCOURT asked the Secretary of State for the Home De-

partment, Whether he will state the number of Judges who have been detached from London business on Circuit, and the number of days which these Judges have been actually employed in trying prisoners and hearing causes; and, whether in his opinion under better arrangements a smaller number of Judges would not have been sufficient to transact the business at most of the Circuit towns, so as to have left an additional force for the despatch of the arrears in London?

MR. ASSHETON CROSS: With regard to the first part of the Question, I believe the number of Judges sent on Circuit were the usual number—14—but two were engaged on the Surrey Sessions. As to the second part of the Question—the number of those Judges actually engaged in trying prisoners and hearing causes—there is great difficulty in the middle of the Circuits in obtaining exact information upon that point; but if he wishes a complete Return for all the days of each Circuit, and will move for it, there will be no objection to its production. Cases are allowed to be set down up to the last moment, and the Judges, I believe, take the greatest care to have business despatched as quickly as possible. The hon. and learned Gentleman, I know, considers that one Judge might go Circuit instead of two; but if only half the judicial staff went Circuit it would take longer to get through the business.

## UNITED STATES — EXTRADITION TREATY—ARRANGEMENT OF PUBLIC BUSINESS.—QUESTION.

SIR WILLIAM HARCOURT asked the First Lord of the Treasury, Whether he will now fix a day for the discussion of the Correspondence between Her Majesty's Government and the Government of the United States on the subject of Extradition?

MR. DISRAELI: Sir, I had intended to have given an early day to the hon. and learned Gentleman for the discussion of this subject; but it is impossible for me to make any arrangement until the Committee on the Education Bill is closed. That Committee must proceed *de die in diem*. I trust it may be closed to-night; but if not, I shall fix it as the First Order for Monday, and make some other arrangement for the debate on Turkish affairs.

## ARMY MOBILIZATION — THE MONAGHAN MILITIA.—QUESTION.

MR. OWEN LEWIS asked the Secretary of State for War, If it is true that the Monaghan Militia, which disembarked at Portsmouth on the 13th inst., at 4 a.m., at once proceeded to Codford Downs, a distance of sixty miles, where they arrived at 6 a.m., and were immediately ordered to march to a review eight miles off, from which they did not return until 5 p.m., making a total journey of sixteen miles on foot; if any breakfast was provided for the men before starting from Codford Downs; if they got any food or drink of any kind whatever during the day until they returned to their quarters at 5 o'clock in the evening; if they were kept standing in an almost tropical sun for two hours and a-half before being inspected; if any cases of sunstroke were reported as occurring either in the Monaghan Regiment or in the Brigade; if so, how many, and if any such ended fatally, and what proportion such bore to the total effective strength; if it is customary in the Line to march soldiers such a distance during the hottest part of the day, and that without either food or drink; and, if he will have any objection to lay upon the Table of the House a copy of the Brigadier's Despatch?

MR. GATHORNE HARDY: In reply to the hon. Member's Question, I have to say that I endeavoured to obtain all the facts respecting the Monaghan Militia; but I must say, without any desire to keep anything from coming before this House, I regret very much that complaints of this kind are not sent in the first instance to the War Office instead of being brought up here. When we hear of it for the first time here we are at some disadvantage, because we have to collect information in a great hurry, and the facts turn out to be different from what is supposed. The answer I have received is this—

"1. The Monaghan Militia disembarked at Portsmouth at about 2 p.m. on the 13th inst., proceeded by special train, and arrived at their camp at East Codford, in Wiltshire, a distance of about 60 miles, at 6 p.m. the same day. Their tents were ready for them. They marched at about 7 15 a.m. next day, 14th, about four miles to a review. They had breakfast before starting, and a portion of bread was issued to each man before starting to take in his haversack. Three companies had cheese, but, by some mistake, none had been put into the waggon for

the other three. They halted three-quarters of an hour at Yarnbury, had water, and the Army Service Corps water cart, which accompanied them, was refilled, and went with them to the ground. They arrived on the ground about 10 a.m., the review began about 12; they left the ground again about 2 p.m., and got back to camp about 4 p.m. Proper arrangements were made in every way. There were no cases of sunstroke nor deaths in this regiment; but there was one which was fatal, and four not so, in the other regiments of the Brigade."

## TURKEY—THE INSURRECTIONARY PROVINCES.—QUESTION.

SIR H. DRUMMOND WOLFF asked the First Lord of the Treasury, Whether Her Majesty's Government have reason to believe in the accuracy of a telegram in the "Daily News" of Wednesday, July 26th, dated Belgrade, Tuesday afternoon, announcing "the failure of the Servian plans;" whether the time has not now arrived when, in the interests of European peace and civilisation, as well as of the independence of the Ottoman Empire, the Great Powers, parties to the Treaty of 1856, may, in Congress or otherwise, actively mediate to put an end to the deplorable state of things now existing in the Slavonic Provinces of Turkey; and, whether Her Majesty's Government will submit to the other Powers, including the Sublime Porte, proposals to this effect?

MR. DISRAELI: Mr. Speaker, we have never been able to obtain any accurate information as to the plans of the Servian campaign; and therefore I cannot give any opinion as to the failure of those plans. With regard to the other very important inquiry of my hon. Friend, I feel it is, perhaps, impossible—certainly most difficult—in merely answering a Question, to enter into a discussion of such magnitude. My hon. Friend will recollect there is a fair prospect, I hope, of our having an ample discussion upon these matters connected with what is proceeding in Turkey; and I shall be quite happy then, not only to hear the arguments of my hon. Friend, but to address myself generally to the question.

ARMY—LINE AND SCIENTIFIC CORPS  
—THE GARRISON OF BELFAST.  
QUESTION.

MAJOR BEAUMONT asked the Secretary of State for War, Whether it is

true, as given in evidence in the course of the recent Court Martial on Captain Roberts, that a junior Infantry officer commanded the garrison of Belfast over a senior officer of one of the scientific Corps; if this was the case, whether it was not in direct violation of the Queen's Regulations, which say—

"that the functions of command is to be exercised by the senior combatant officer, according to date of Army rank, and irrespective of the branch of the Service to which he belongs;"

and, whether he will in that event take steps to prevent the recurrence of such irregularities?

MR. GATHORNE HARDY: In reply to the Question of the hon. and gallant Gentleman, I beg to state that the facts as stated in the Question are substantially correct. There has been an irregularity, and directions have been given to the general officer commanding in Ireland to prevent its recurrence.

#### NAVY—H.M.S. "THUNDERER."

##### QUESTIONS.

MR. ANDERSON asked the Secretary of State for the Home Department, If his attention has been called to a leading article in the "*Hampshire Post*," in which the following passage occurs:—

"But if Mr. Harvey had no power to select the jurors, he had, we suppose, some choice allowed him as regards the selection of himself as the official to conduct the inquisition. We should have thought after the experience which Mr. Harvey has had with respect to the extreme sensitiveness of the public on the score of appearances, as illustrated in the case of the "*Mistletoe*" inquiry, that he would have seen the expediency of delegating to some other person his authority in this matter;"

and, whether he cannot still arrange to put the inquiry in the hands of some coroner who does not receive any Admiralty fees?

MR. ASSHETON CROSS, in reply, said, he was not in the habit of taking in *The Hampshire Post*, and therefore had not seen the article until his attention was called to it by the hon. Member's Notice of the Question. His reply was that he had no jurisdiction whatever in the matter. The Coroner had written to the First Lord of the Admiralty inquiring whether it was advisable that, on account of his connection with

the Admiralty, the inquiry should be held before any other person than himself. His right hon. Friend immediately replied that, so far as he was concerned, he thought it would be advisable. There was, however, a question of law as to whether that could be done. So far as he was at present advised, it appeared that as the inquiry had been commenced by the Coroner, it must be continued to be held before the same person. He would endeavour to obtain the best opinion upon the point; but he was afraid that there were legal difficulties in the way of holding the inquest before a deputy which could not be overcome.

MR. HUNT wished to supplement the answer of his right hon. Friend. It was thought desirable that the Coroner should not conduct the inquiry himself, but that some one else ought to be appointed. He, however, afterwards wrote to say that, in consequence of the state of the corpses, he thought it necessary to commence the inquest at once, and therefore he was not able to make any other arrangement.

MR. GOSCHEN asked the right hon. Gentleman to give an approximate idea as to how long the inquiry was likely to last, and whether there would be any opportunity for the House to discuss the subject before the end of the Session? He had been most anxious not to put to the First Lord any Question respecting the *Thunderer* pending the inquest; and although the Session was now drawing to a close, he thought it possible that the right hon. Gentleman might be able to furnish the House with information upon the subject before the Prorogation.

MR. HUNT: It is quite impossible to say how long the inquiry may last or how long the Session may last. At present it looks as if there may be a competition between them as to which shall hold out the longest. I am unable to give any answer to the Question of the right hon. Gentleman. I should be exceedingly glad if I could see my way to the end of the inquiry.

#### HARBOURS OF REFUGE—THE NORTH EAST COAST.—QUESTION.

SIR EARDLEY WILMOT asked Mr. Chancellor of the Exchequer, Whether, having regard to the very numerous disasters resulting in the loss of life

and property which occurred annually to our shipping on the north east coast of England, Her Majesty's Government will consider the advisability of providing more adequate harbour accommodation in that district than at present exists?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he could not at present hold out any encouragement to the hon. Baronet to expect that the Government would propose a Vote for additional harbour accommodation on the north-east coast of England. The course which had been pursued of late years had been to encourage local authorities to improve their own harbours by advances out of the Public Works Loan Fund. That course had produced very good results in some cases, and he hoped that it would lead to considerable improvement in our harbour accommodation.

#### THE NEW FOREST.—QUESTION.

LORD HENRY SCOTT asked the Secretary to the Treasury, Whether it is his intention to renew his Notices given last November of a Bill to carry out the resolutions of the Select Committee on the New Forest, with a view to passing a Bill in the next Session of Parliament; and if he is willing to state the reasons that have prevented its introduction this year?

MR. W. H. SMITH, in reply, said, that he hoped to give Notice of such a Bill for next Session, and that its introduction this year had been prevented by the pressure of other business.

#### THE IRISH CHURCH—

#### SALE OF ECCLESIASTICAL EDIFICES.

##### QUESTION.

MR. A. MOORE asked Mr. Solicitor General for Ireland, Whether it is legal for the Irish Church body, or any of its component parts, to sell ecclesiastical edifices which have fallen into disuse?

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET): In my opinion it would be legal for the representative body of the Irish Church to dispose of any ecclesiastical edifice vested in them by the Act of 1869, if directed to do so by the General Synod of the Irish Church.

#### CRIMINAL LAW (IRELAND)—CANVASSING JURORS.—QUESTION.

MR. BRUEN asked the Chief Secretary for Ireland, Whether his attention has been drawn to an occurrence at this Summer Assize held at Tralee, where, in the case of *The Queen v. Quilter*, on an indictment for murder, the Crown prosecutor, Sir Colman O'Loughlen, applied for a postponement of the trial on the ground, proved by affidavit, that the whole jury panel summoned to serve at the Assize had been canvassed on behalf of the prisoner, and that a fair trial could not be had; and, whether he will in the Juries Procedure Bill now before Parliament propose a change in the mode of summoning jurors to form the panel as will prevent their names from being known a long time before being called on to serve, and so giving opportunity for solicitation or intimidation, a result which cannot be prevented under the present system of summoning in dictionary order?

SIR MICHAEL HICKS - BEACH: The trial of John Quilter has certainly been postponed to the next Tralee Assizes, and the reports in the public Press agree in stating that it was postponed by the learned Judge for the reason given in my hon. Friend's Question—namely, that the jury panel had been canvassed on behalf of the prisoner; though I do not think that it was alleged that the canvassing had extended to the whole jury panel. But as I have not yet received the report of the Crown Solicitor on the case, which only occurred a few days ago, I am unable to say precisely how far the reports in the Press are accurate. There is in the Juries Procedure Bill a proposal for the repeated summoning from time to time of jurors who have not answered to their names, which will, I hope, not only secure a better attendance of jurors, but will also make it more difficult than at present to ascertain the composition of the jury panel before trial.

#### INDIA—PARLIAMENT ARRANGEMENT OF PUBLIC BUSINESS.

##### OBSERVATIONS. QUESTION.

MR. GOSCHEN said, some anxiety was beginning to be felt with regard to the discussion of the Indian Budget, which would be particularly important

on account of the difficulties there had been with regard to the depreciation of silver. He had been reluctant to ask the Government, seeing how pressed they were with various kinds of business, to give a day for the discussion of the matter, so very important for India; but in consideration of no day having been asked for the discussion of the Report of the Committee on that most important subject he trusted that the right hon. Gentleman would be able to assure the House that the Indian Budget, involving as it would the discussion of the depreciation of silver, would not be postponed too long. He should like also if the right hon. Gentleman would give them any information as to the course of Business next week. It would appear as if the Education Bill would not be taken to-morrow, and there would be great disappointment if the debate on the Eastern Question were not begun on Monday.

MR. DISRAELI: No one can be more anxious that I am that the discussion on the Indian Budget—under the peculiar circumstances which now affect the currency—should come on for discussion as soon as possible. I did mention it the other night as one of the main subjects that I contemplated bringing before the consideration of the House. I should hope that we might discuss it under circumstances which will allow of a tolerably full attendance of Members; but it is quite impossible for me to form any opinion as to the progress of Business until the Committee on the Education Bill is closed. When that time arrives I will make a statement to the House as to what I think will be the probable course of Public Business. It was an inadvertence of mine when I stated that we should not proceed with the Education Bill to-morrow. I thought for the moment that this was Friday. We shall proceed with the Education Bill to-morrow morning, if we do not close the Committee to-night. And I trust that on Monday we may approach the discussion of Turkish affairs.

MR. GLADSTONE: With regard to the contingent intimation that the debate on Turkish affairs may possibly be put off, I do not know that we have any power in the matter. Probably the House is in the hands of the Government. But before the right hon. Gentleman makes any final announcement

on the subject, I hope he will take in view that in consequence of the Notices that have been given by two hon. Gentlemen sitting on that side of the House, the debate on the Turkish question is to assume distinctly and unequivocally the character of a Vote of Confidence in the Government. I cannot think it would be proper to postpone a vote of that character on a subject of so much importance, in order to proceed with the Committee on the Education Bill.

MR. DISRAELI: If any Notice of a Vote of Censure on our policy had been given, I certainly should, in any circumstances, have made arrangements to meet it; but as it has taken the more amiable form of a Vote of Confidence, I think, on mature consideration, the general interests of the House require the course which I have announced, and which I think it my duty to follow.

MR. GLADSTONE: There is such a Notice on the Paper.

MR. DISRAELI: From the right hon. Gentleman?

MR. GLADSTONE: No!

#### ELEMENTARY EDUCATION BILL.

[BILL 155.]

Viscount Sandon, Mr. Chancellor of the Exchequer,  
Mr. Ascheton Cross.)

COMMITTEE. [Progress 25th July.]

Bill considered in Committee.

(In the Committee.)

Amendment proposed to new Clause (Dissolution of School Board under certain circumstances), line 9, at end of first paragraph, to add the words—

“Provided always, That no application shall be made for the dissolution of a School Board except within three months before the expiration of the period for which the School Board has been elected; and no order for the dissolution of such School Board shall take effect until after the expiration of such period.”—(Mr. Shaw Lefevre.)

Question proposed, “That those words be there added.”

VISCOUNT SANDON said, that he was unable to state his views on this Amendment at the last sitting before the hour of adjournment arrived. Since that time the Government had considered the subject, and in the same spirit of conciliation with which they had all through met the Amendments proposed in this Bill, he was not only willing to accept the

Amendment, but he did not hesitate to state that he thought it a great improvement. Its object was to prevent school boards from being constantly disturbed by proposals for dissolving them being made at short intervals. It was very much better that the will of the locality should be taken at certain distant intervals—that was to say, after a period of three years when the school board elections had taken place; and he thought the Amendment providing that such should be the case was a decided improvement. It was much better that a school board when once elected should know that it could not be disturbed during its three years' term of office, and had the whole responsibility of working the law during that time. He should therefore ask his hon. Friend the Member for Leicestershire (Mr. Pell) to adopt it in his clause. He might have to make some alteration on the Report in the proposed term of three months.

MR. SHAW LEFEVRE was willing to accept any modification in the term of three months.

*Amendment agreed to.*

MR. JOHN BRIGHT moved, as an Amendment to Mr. Pell's proposed new clause, at end to add—

"In every case where a school board shall be dissolved under this Clause all the powers conferred upon it by and under 'The Elementary Education Act, 1870,' shall be transferred to and continued under the local authority of the parish or district for educational purposes created under this Act."

The right hon. Gentleman said, he was glad to hear that the noble Lord was in a favourable mood for considering any reasonable Amendments that might be offered to this Bill. The Amendment he had now to propose would recommend itself very strongly to those who might wish the Bill to do as much good and as little harm as possible. It was very simple, would lead to no confusion, and all might understand it. The meaning of his Amendment was that when the Government shifted the authority in cases where this clause came into force from the school board to a committee of corporations in boroughs and a committee of the guardians in parishes, all the powers conferred by the Act of 1870 upon the authority about to be super-

seded should be transferred and continued to the new school authorities. He thought he could show that the Amendment was one which ought to meet all the complaints of the hon. Member for Leicestershire (Mr. Pell) and his friends, and at the same time to a large extent it would satisfy those who had to complain of the course which the Government had taken in accepting this clause. During the course of the debate a little too much stress had, he thought, been laid on the statement that the change proposed was only a substitute about which really they ought not to complain—that the change was one which was not calculated to damage the efficacy of their educational legislation, and that it was a change rather of convenience to persons who had some ground of complaint against school boards in certain districts. The hon. Member for Leicestershire thought that the school boards in certain cases were unpopular, and that the substituted authority would be more popular, and the principal ground which he had given had been that the school boards were unnecessarily troublesome in their formation, and that they were more expensive than a corporation committee in boroughs, or a Board of Guardians committee in a parish would be. It would be seen at once that the great object of saving the trouble of elections and expenditure would be promoted just as much if his Amendment were accepted as it would be if it were rejected. He objected to the argument that had been used, that this clause did not make a real change, but made only a substitution of authority. The whole argument, so far as it was rested upon that statement, was absolutely untrue; because it was clear that it was the destruction of one authority and the substitution of another very inferior to it in force and in completeness. By the Act of 1870, where more school accommodation was required, and as it was required, and where it might be desirable to hand over an existing school to a public authority, the school board was complete for these purposes. The authorities to be established by this Bill had no force and no efficacy whatever. He ventured to say that if the state of things which this clause would produce in districts where school boards were abolished could be made general throughout the country, the whole object

of Parliamentary legislation on this great question would be thwarted and entirely put an end to. If the noble Lord would accept his Amendment to the clause they would have exactly the same powers in those districts which they had at present; they would have in all degrees of efficacy a school board, but deprived of all those features of the school board of which the hon. Member for Leicestershire had so much complained. If the population increased in any of the boroughs and towns and parishes to which this clause might ever apply, the new authority could at once, if it thought proper, proceed to the affording of more school accommodation; and if the schools were feeble the new authority could take them in hand, and the efficiency of the schools might be maintained. He had stated before that under the education system as it was now conducted there had been a great want of confidence in some portions of it, on the part, he should say, of a large majority of the Nonconformists and Dissenters of England and Wales; and he should himself have very little confidence in their intellect and judgment if their confidence had not been impaired by the long experience which they had had in connection with this and other questions. He saw that some critic of their discussions the other day remarked upon the unusual vehemence with which he had addressed himself to the Committee, and another had remarked upon the acrimony with which he had spoken. He had no doubt the authors of this Bill and of the clause under discussion were very anxious that they should all speak in very moderate tones, as if really there was nothing to complain of. He found, however, that a very great dignity—no less than one of the Bishops of the Established Church—speaking on the subject of the Government Education Bill the other day, said “he congratulated Mr. Pell on the success of his Amendment,” adding that—“the bitterness that Amendment had evoked was an encouraging fact.” Surely, then, they could not be blamed, having the approbation of a Bishop, for the warmth which had been evoked by a discussion of this question. He made some charges, or what had been called charges, the other day with regard to the position of Dissenters under the operation of this Bill to the effect that the children of

Nonconformists and Dissenters were forced into schools the vast proportion of which belonged to the Church of England. Some of the cases which he had mentioned were said by hon. Gentlemen on the other side to be trifling, and not to be worthy of consideration. He thought differently. It would, he believed, be possible to get scores of such cases from every county in England, and three-quarters of the letters he received lately contained complaints of the same kind, showing the disadvantages to which the children of Dissenters were exposed, and that the Conscience Clause, as enforced upon paper, was no real or safe guarantee for the proper treatment of the children. He was prepared to assert that in hundreds, and he believed in thousands of instances all over the country, petty persecution of the meanest kind was offered to Dissenting families and their children in connection with this matter of education. He would give a case in a village near Malmesbury where there was a Church school which provided sufficient school accommodation for the district. There was also in the same village a Baptist chapel and Sunday school, which had been recently enlarged. On the occasion of the completion of the buildings a tea party was held, whereupon the Rev. R. Powis, the clergyman of the parish, sent out a circular which was an interesting comment on the Education Bill. It was that the Rev. R. Powis had made up his mind that those parents who could send their children to the tea party—the Baptist tea party—could not want any help; also that the children could not come to the school feast in August. He hoped there was no man in that House so depraved by his prejudice in favour of an Established Church as to approve of this miserable persecution. Here was another case. In St. Mary's parish—he supposed it was in the town of Warwick—this circular was sent out—

“Coal, Shoes, Bread, and Beef Charities.—Persons with families may take notice that they will receive nothing from any of these charities unless their children are sent regularly to the national or infant school on week days, and to the Church Sunday School on Sundays.”

And then there was a slight conviction that this was not quite the thing, and the circular went on to say—

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"This rule will be strictly carried out, except when the children go to the School of Industry, and perhaps in the cases of a few persons who have been always consistent members of some Dissenting congregations."

That was the sort of thing that was going on almost everywhere. ["No, no!"] He was glad that hon. Gentlemen opposite objected to his statement, because it was clear that they would not object if they did not disapprove of that which he had read. He had a note written from Winchester on the same subject, speaking of what had taken place in a parish in Hampshire. It said there was a small Free Methodist society there, with many members of sterling worth, who were not willing to send their children to the Church Sunday school, and, consequently, the Rector intimated that only those children that should attend both day and Sunday school would be permitted to attend the annual school treat. The parents and friends retorted—for, of course, these things grew into contest and conflict—by threatening to withdraw their children from school on the day of the examination of the Government Inspector, and so injure the school financially. The Rector replied that the treat was a matter in which the parents had no concern, and concluded with a threat as to the unknown evils which would happen if they persisted in their obstinacy. The Rector, his correspondent added, was High, teaching the usual Anglo-Popish heresies, and therefore was distrusted by Protestant parents. One good man sent his children a distance of two miles, to the nearest town, rather than allow them to come under the Rector's influence; and his informant added that in this case the Conscience Clause was a delusion and a sham. A gentleman speaking not long ago at the assembly of the Congregational Union, said there were thousands and tens of thousands of children of Nonconformists who were in Church schools, and were being taught the Church Catechism. Many parents of Nonconformist children were probably anxious their children should be educated, and did not press the question of the Conscience Clause; but what were they to think of the children of Baptists being in these schools and being taught the efficacy of baptismal regeneration as in the Established Church, and

aid if they were taught

all the curious things that were said about godfathers and godmothers, when there were no such persons in relation to them? These things were occurring all over the country, and under this Bill such children would be forced into the Church schools all over the country without any sufficient safeguard. What he quoted the other day from the President of the Wesleyan Conference last year (Rev. Gervase Smith) was received with something like a shock of disapprobation from hon. Gentlemen on the other side. The President of that Conference held no mean office. He was a man of the highest culture and of the highest character, and he had the confidence of one of the most important religious bodies in the Kingdom, and he could now read his words. He said—"In many parts of this land the Methodist people are persecuted." What he said of the Methodist people applied equally to Independents, Baptists, and other smaller sects. He said—"And they have not the religious liberty which the laws of the country certainly suggested they ought to have." He referred to such things as those—labourers turned away from their employment because they were Methodists; shopkeepers having to close their shops because they were Methodists; farmers turned out of their farms and thrown on the world because they were Methodists; gentlemen in high position in commercial circles who were not placed on the magisterial bench because they were Methodists. [*Laughter.*] He did not know how Gentlemen could laugh at a statement of that sort. They must be very ignorant of their own class if they did not know it was very true. He himself, conversing with a country gentleman in one of the Midland Counties not long ago, was told by him that nothing would induce him to let one of his farms to any Nonconformist; and he would undertake to say hundreds of men followed the same rule. His right hon. Friend the Member for Greenwich (Mr. Gladstone) had once, with regard to the county of Huntingdon, given an instance of how magisterial appointments were dispensed, and in all probability there was not one man out of 20 among the magistrates of England and Wales who was not, excepting it might be in the West Riding, and in South Lancashire, connected with the Established Church. ["Oh!"] It was a fact common and



notorious—"No!"—and hon. Gentlemen, instead of objecting to what he said, might take it into their serious consideration, and hope that a more liberal and just system might before long be established. The President of the Conference continued—

"Children have had rewards given to them, rewards carried to the school at Christmas by a lady from one of the principal houses of the village, and handed round the school to the children of parents associated with her; but on coming to one little girl she says, 'Mary, I am very sorry I cannot give you a book,' and this for nothing whatever but because her father and mother are Methodists. The little girl began to cry, nor can you be surprised at that."

These were absolute facts, the more astonishing, perhaps, because the persecution descended to such small matters. The President concluded with another case similar to the one mentioned by him (Mr. Bright) the other day. A lady, attended by two servants, was distributing clothing in a parish, and after leaving one blanket at one door, she half opened the next, told the inmate what she was doing, and said—"I am sorry I cannot leave you one; you know, you are a Methodist." The good lady did not intend ill perhaps, but what could be more base than attempts to proselytise of this kind? Mr. Smith ended his remarks by mentioning instances in which sites had been refused for Methodist chapels simply because they were Methodist chapels, and said these were samples of what was going on in at least 2,000 villages in this country. They were then brought, and he (Mr. Bright), being himself a Nonconformist, of those whose ancestors suffered indignities, imprisonment, and death through the persecutions of the Established political Church of this country, not more than two centuries ago, was brought to the consideration of the effect of this Bill, and of the policy of the House in regard to it upon one-half of the population of England and Wales, so far as they were estimated by attendance at places of worship on Sundays, and, if possible, to induce the House and the Committee to guard them from further insult and from further neglect. He would ask to have a quiet talk with hon. Gentlemen opposite upon this point. Suppose there were 5,000 parishes in England, or only 500, in which there was no school but a Methodist school, or an

Independent school, or a Baptist school, or Unitarian school. What would be their course with regard to this Bill? Why, they would do as the House of Commons did 200 years ago, as an insult to the other House, they would rise from their seats and kick it out of the door, and dispossess the Minister, and disestablish him before the night was over. But because this Bill was a Bill giving extra authority to the thousands of schools in connection with their own Church, they passed over the grievances, and injury it might be, and insult to the scores of hundreds of thousands of Nonconformist families throughout the country who ought to be fairly represented in that House, and had the right to claim as much indulgence and as full equity as the members of the Established Church had any right to expect from Parliament. Dissenting children all over the country were to be driven by crack of whip, as it were, into Church schools; and it was because he wished to mitigate the harshness of this Bill—and were the positions of Churchmen and Nonconformists reversed the hardship would be admitted—and to free it from parsonic and priestly partiality, that he brought forward his Amendment. The Board of Guardians might be free from that partiality, and the committee of the Town Councils in boroughs might be free from it to a certain extent; but he believed the freest and best institution probably in either boroughs or country parishes, but certainly in the latter, would be the school board as established by the Act of 1870. He wanted particularly by his Amendment to enable the noble Lord and the House to create confidence in Dissenters, and where it existed at all to increase it. The Bill as it at present stood would impair confidence, and would do great injury to that great and excellent and admirable class of the population of this country. He had said the Dissenters of England and Wales numbered one-half of the population; but in Great Britain and Ireland they were far more than one-half, and what did they see? A Government, within whose precincts no Dissenter could hope at any time ever to be found. Amongst the 350 Members opposite there were probably not half-a-dozen—he knew not whether there were more than two—who would avow themselves to be unconnected in some way, in feeling or profession, with the Estab-

*Mr. John Bright*

lished Church. He thought there was one professed Jew, and he knew there was one member of a Unitarian sect; but whether there were one of any of the other Nonconformist sects of the country he was not certain. And with a Government who could feel themselves perhaps defiled by the presence amongst them of a Nonconformist with a great Party, almost every man of whom was connected not only by religious profession but by political sympathy, which was not less strong, with the Establishment, was he not entitled and bound to ask Gentlemen opposite for a moment to throw aside the prejudices—he had almost said of their caste, the prejudices connected with their Church and their sect, and to look broadly upon this question as one of equity to the great body of the people—equity which they were as much bound to offer to the Nonconformists of this country as to the most rigid Churchman? He knew perfectly well that the tribunal before which he had to offer these observations was one most unfavourable to his claim. He knew that Gentlemen opposite had never been accustomed to look upon Nonconformists and the Dissenting population but as persons who differed from them seriously in religion, and were mostly opposed to them in politics. He had never found them on their side advocating justice to the Dissenting population of England and Wales. ["Oh, oh!"] It was no use Gentlemen saying, "Oh, oh," their own consciences must tell them he was not exaggerating in these statements he had made. Though, therefore, the Committee might be unfavourable to what he asserted, yet he believed the cause he pleaded before them was just, and though they might be strongly biassed now and determined not to yield, though the noble Lord might make no greater concession in this case than he had in some other cases, yet the time would come when the judgment of Parliament, backed by an intelligent and free people, would reverse the unfavourable judgment to which to-night they might come.

Amendment proposed, at the end of the Clause, to add the words

"In every case where a School Board shall be dissolved under this Clause all the powers conferred upon it by and under 'The Elementary Education Act, 1870,' shall be transferred to and continued under the local authority of

the parish or district for educational purposes created under this Act."—(*Mr. Bright.*)

VISCOUNT SANDON said, he thought it would be more expedient and more in accordance with the feelings of the Committee if he declined to follow the right hon. Gentleman into the questions of supposed wrongs and insults heaped by the Church upon their Nonconformist fellow-citizens, which the right hon. Gentleman had thought fit to introduce into the discussion of this clause. The Committee would fall into very unnecessary rancour if it once entered upon a discussion of these topics. Some things stated by the right hon. Gentleman were very grievous to hon. Gentlemen on that (the Ministerial) side to hear, and they did not think the right hon. Gentleman did them justice in these questions; but they were content to leave the matter to the judgment of the people of the country. He could assure the Committee that there was no wish on his own part, or on the part of the Government, and he was sure he might speak for his hon. Friends around him also, to do any injury to the conscientious feelings of Nonconformists. Many hon. Gentlemen on that side had, as he certainly had himself, the pleasure of the acquaintance of Nonconformist gentlemen, and he did not see why he should not value their friendship and deal justly by them because they differed from them in opinion. Heated partizans on both sides might, no doubt, sometimes be inclined to act as they ought not to do in the matter of school treats. But surely no one would venture to say that the Church had a monopoly of unkindness, even if it were proved that some unkind acts were committed by some of her sons. He admitted that there might be foolish and wrong-headed people in the Church of England, who did unkind things which he strongly condemned; but hon. Gentlemen would not find unkindness confined to any one of the Christian Churches. He did not believe that his Friends belonging to other Churches always distributed their blankets or their buns among those who differed from them in religion. But with regard to the question before the Committee, the securities for the rights of conscience must be held to have made a very great advance under this Bill, because a local authority would be within the reach of every cottage in the land, charged under this

Bill, in addition to its school attendance duties, with the obligation of taking cognizance of every complaint of violation of the Conscience Clause, and bound to inform the Department of such wrongs. He could not help thinking that the right hon. Gentleman was misinformed as to the number of Nonconformist children who would be affected by this measure. The Central Nonconformist Committee, in their printed circular, dated from Birmingham, issued after he had made his first speech explaining the Bill, and signed by the Chairman and leaders of that Association, of which he had spoken before, had said they believed the number of Nonconformist children who would be driven to school by Lord Sandon's Bill must be very few. The right hon. Gentleman had said he had come to the conclusion that the best thing even for country villages was a school board, and that Boards of Guardians and Town Councils could not take that care of the consciences of Nonconformists which he desired. He confessed he was a little puzzled by the right hon. Gentleman's opinions about school boards, because in a set speech which the right hon. Gentleman delivered in Birmingham in October, 1873, speaking of school boards, he said—

"There is no free breeze of public opinion passing through the room, but rather an unwholesome atmosphere of what I call sectarian exclusiveness, or sometimes of bigotry, in which nothing good can thrive."

This opinion was delivered on a most formal occasion, when the right hon. Member addressed his constituents on the leading topics of the day, and specially on the Education Act of 1870, and he (Viscount Sandon) was totally at a loss to reconcile the right hon. Gentleman's present zeal for school boards, and desire to impose them everywhere upon the country when it did not wish for them, with the very bitter and deliberate attack which he made upon them so recently on a great public occasion. But to come to the Amendment. The largest number of school boards which could be touched was 530 or 540, which, after certain eliminations, would be reduced probably to between 200 and 300. To meet their case the right hon. Gentleman had made a very large proposition. He was not sure that this proposal would not raise the cry to abolish school

boards even in the large towns if Town Councils and Boards of Guardians were to have their power. The principle, therefore, of the right hon. Gentleman's proposal was a very large one. He would ask the Committee to look at this matter from one point of view. Under this Amendment they must give these local authorities the same power as the school boards to remit and pay fees, and that would be putting into their hands the whole question of the old 25th clause. The effect of introducing such a question in all the elections of School Attendance Committees of Town Councils and Boards of Guardians would be most mischievous. In the present Bill the Government had said that the proper thing was to leave it to the Guardians in their capacity of Guardians to deal with the question of fees; and as for the question of religion the authorities created by the Bill had nothing whatever to do with it, and were nothing in fact, you might say, but school police to look after the employer, the negligent parent, and the neglected child, as far as the provisions of this Bill were concerned. Now, was the Committee prepared to have the election of Boards of Guardians and Town Councils turn on the question whether religious instruction should be given in the schools as it frequently did in the case of the election of school boards? The country would repudiate the introduction of such an element of bitterness into the election for what may justly be called the municipal authorities of town and country. If you were not to have this element of religious dissension introduced into these elections, Parliament must do one of two things: to eliminate it from the elections, it must either make all schools purely secular, or it must itself order religious teaching of a certain character in all schools. Were the schools to be secularized? The country would repudiate any such idea. The only other alternative was to order religious instruction in all their schools: were the right hon. Gentleman and his Friends prepared for that? If the suggestion of the right hon. Gentleman were adopted, the inevitable result would be that the religious question would come up in all elections of Boards of Guardians and Town Councils. That of itself seemed a sufficient answer to the suggestion of the right hon. Gentle-

man. The country would never tolerate the introduction of this new element into municipal elections. Did any one who was experienced in school matters, and who took a real interest in education for its own sake and with a simple view to the advantage of the children, ever propose that the Boards of Guardians should be made the managers of our schools? Once assent to such a principle, and they must carry it further. It was a very serious, a very large, and altogether a new issue which was raised by the right hon. Gentleman. It ought, in fact, to be discussed upon its merits as a Bill in itself. He confessed that the more he looked at the proposal the more confident he was the country would not accept it. More than that, the proposal would be received with a universal "No" from every Town Council and Board of Guardians in the country. For himself, he was quite willing to leave the matter to the judgment of the country. Of one thing he was certain, that hon. Gentlemen who supported the proposal would not meet with a very hearty reception when they went to the country in the autumn either to attend the civic feasts or to be present at agricultural dinners, where Guardians were present. Town Councils and Boards of Guardians, he felt sure, would not care to have the school board difficulties and complications imported into their elections. The duties imposed upon them by the Government Bill were simple and distinct, and introduced none of these difficulties into their elections or into their proceedings, and only tended to add new interest and dignity to their work, which, while it would lead to economy, would draw the best men to seek seats on their bodies. The more the Committee looked at the Amendment the more it would find that it was not one which should be entertained. After giving it the most careful consideration he did not think it would meet the difficulties of the case. He felt satisfied, in spite of the extraordinary arguments of the right hon. Gentleman, and the impassioned way in which he urged them, that the country would not support the proposal for a moment.

**MR. W. E. FORSTER** must remind the Committee that this new issue, be it large or small, was not raised by his right hon. Friend, but by the noble Lord himself, when he accepted the Amendment

of the hon. Member for South Leicestershire (Mr. Pell). The arguments used in support of the Amendment were not attempted to be answered by the noble Lord the Vice President of the Council. In his (Mr. Forster's) opinion school boards were by far the best machinery for carrying out the educational improvement of the country; but the Government wished to get rid of the school boards and substitute for them an authority which had not the authority of a school board. School boards had power to supply school accommodation where it was deficient and to take over voluntary schools; but Town Councils and Guardians would have no such power. Wherever school boards had been established there were persons elected by the district who would see that fair play was given to the children of all religions, and who were able to put up schools of such a nature that they could not be denationalized or secularized; and unless the Amendment of his right hon. Friend the Member for Birmingham were adopted there would be no means of removing or concealing any unfairness that might be shown to Dissenters or Nonconformists. He was astonished to hear the arguments put forward by the noble Lord on the disadvantages of school boards, as if he felt so strongly on the subject he ought to have put forward his views when Mr. Dixon, the late Member for Birmingham, brought forward his Motion with reference to the 25th clause of the Education Act. If the Amendment now before the House brought about any difficulty it was caused by the new clause, to which the Government had so unexpectedly given its support. The only positive mode of getting rid of the Amendment was to withdraw the clause, and he strongly recommended that suggestion to the favourable consideration of the Government. Very likely the noble Lord had no idea when he assented to this clause that he was re-opening the whole settlement of 1870; but it was a re-opening of it, and everyone would consider that it was unsettled, and that the arrangement that had been come to was open to the power of the strongest from year to year and from Parliament to Parliament. The Chancellor of the Exchequer in his conciliatory speech in defence of the clause was obliged to bring forward arguments which re-opened the whole

question, for he stated that the result would be to give time to the denominational party to supply deficiencies, and that would be a complete unsettling of the question. The local authority ought, at any rate, to be clothed with the same authority as the dissolved school board, and if that involved any difficulties the difficulties were of the Government's own seeking.

MR. J. G. HUBBARD heard with extreme pain and regret the speech of the right hon. Member for Birmingham, which could in no degree tend to pacify or bring about any successful subsidence of the feelings which the debates of the last three nights must have produced throughout the country. Incidentally the right hon. Gentleman had spoken of Churchmen as not being a majority of the population, and such a conclusion rested upon unauthentic statements; while the only inference to be drawn from school attendances, burials in cemeteries, the registration of marriages, and the composition of the Army and Navy, was that the Church of England embraced between 70 and 80 per cent of the population, and there were in workhouses 80,000 members of the Church of England, against 21,000 members of all Dissenting bodies. They were now concerned with a population that did not go to church, and whose condition corresponded most nearly with that of the inmates of the workhouses. Whatever were the relative proportions of Churchmen and Dissenters did not make any difference to the question before the Committee; but he must protest against deductions being made from false statistics.

MR. JOHN BRIGHT desired to explain that all he had said was that so far as the matter could be determined, the numbers attending Nonconformist places of worship were at least equal to the numbers attending Established Churches, and if, instead of taking England and Wales only, we took the Three Kingdoms, the Established Church was in an acknowledged minority. That there were more Church people in workhouses and gaols might be quite true, and he would make the right hon. Member a present of all he could extract from that argument.

MR. PELL reminded the Committee that his clause would take effect only where there was sufficient school accom-

modation. One of the most important functions of a school board was to provide school accommodation, so that if that were done the clause would not come into operation at all. It was exceedingly difficult to answer accusations against Members on this side of the House generally; but, if he had been attacked personally, he could have defended himself as to what he had done for education. The debate had elicited facts from the advocates of the school boards which were not very much in favour of the latter. It was no longer a political but a caste Party which advocated the extension of school boards. That was shown by the silence with which the speech of the right hon. Gentleman the Member for Birmingham had been listened to by his own Party. He thought the more they divested themselves of these caste prejudices the better. When those who supported this clause were accused of being re-actionary and disturbing old settlements, he wished to remind hon. Gentlemen opposite that in the desire to promote education the Act of 1870 was accepted as a compromise. In the years 1874, 1875, and 1876, however, a Bill was brought in by the late Member for Birmingham (Mr. Dixon) for the establishment of compulsory school boards. Was that re-actionary or progressive? It appeared to him to be very much like advancing backwards. In 1875, and again in 1876, the right hon. Member for Birmingham (Mr. John Bright) voted for that disturbing Bill. The right hon. Member for Bradford (Mr. W. E. Forster) voted for it on all three occasions. The noble Lord (the Marquess of Hartington) voted for it once or twice, and yet these were the Gentlemen who now talked of disturbing the Act of 1870. In 1874 a Bill was brought in by the hon. Member for Merthyr (Mr. Richard) to repeal altogether the 25th clause of the Act of 1870, and also to repeal the three miles distance under which children were exempted from being brought into attendance at board schools. It was rather hard to be accused of disturbing the settlement of 1870 when hon. Gentlemen opposite, in their ardour for school boards, had neglected the so-called compact and compromise arrived at in that year. The school boards had been spoken of as depositaries of power and authority,

but this did not appear to be their character at Birmingham. He went down to that town the other day to see the cattle, and he there saw something with which he was not quite so well pleased. On the platform of the London and North Western Railway were four or five urchins whose attire, if put together, would have made about one decent pair of trousers for the entire lot. They were performing the operation of turning themselves over like wheels, and he said to a friend, one of the Guardians of a neighbouring town—"Why are not these little imps at school? I should have thought the school board here would have swept them in?" His friend told him that at the first moment a policeman appeared those boys would be up a chimney shaft. But what was a "depository of power and authority" worth if the school board of Birmingham could not catch these children and send them to school? The Committee might rely on it that the members of Boards of Guardians would be quite as good depositaries of power as the school boards and would do their duty in bringing the children to school; but God forbid that there should be school boards formed to build schools that were not wanted with all the concomitants of election turmoil and excitement. He trusted that the Committee would not accept the Amendment of the right hon. Gentleman the Member for Birmingham, which appeared to be put on the Paper more with the view of giving the right hon. Gentleman the opportunity of firing his Gatling gun at the Party opposite than with any expectation that the Committee would adopt it.

MR. GOSCHEN said, that the hon. Member opposite (Mr. Pell) had accused the Opposition of treating this question of school boards as if it were connected with caste. Now, he wished as a Churchman distinctly to state, after the challenge that had been thrown out by the hon. Member, that it was not necessary to be a Dissenter to be able to appreciate the grievances of Dissenters. No answer had been given to the question put by his right hon. Friend the Member for Birmingham whether, if there were 500 schools managed by Dissenters, would they as Churchmen pass a compulsory power for the children of Churchmen to be sent to these Dissenting schools. No Conscience Clause in such a

case would satisfy hon. Gentlemen opposite, and in the same way hon. Members on the Opposition side felt that there was an extreme difficulty in combining compulsory school attendance with denominational schools. The general principle of the Act of 1870 was the school-board compromise; but the Vice President of Education now felt himself at liberty to take a retrograde step and encourage voluntary schools. He had supported the second reading of the present Bill in the belief that it would carry out the compromise of 1870; but he should have hesitated before doing so, if he had known the course the Government intended subsequently to adopt, which had caused the debates to be so protracted and so much feeling to exist amongst the Members of the Opposition, from a belief that they had not been fairly treated in the order in which these questions had been brought before the Committee. He regretted as much as the noble Lord did that there should be religious conflict at school-board elections; but there was something just as bad, and that was a sense of religious grievance left unredressed. The question they had now to decide was a simple one—namely, whether, where a school board was suppressed, the whole of the powers which the board might have exercised should not be transferred to the public authority which was to take its place?

THE CHANCELLOR OF THE EXCHEQUER observed, that in the question of education there was, and must continue to be, great diversity of opinion among Members of the House. The subject was one of so much interest, and in many respects of so exciting a character, that it was not unnatural that they should from time to time be led into discussions which took a very wide range; but if they were to make progress he hoped the Committee would be led to consider the matter in a business-like point of view. With respect to the clause of his hon. Friend the Member for South Leicestershire (Mr. Pell) the Committee had by a decisive majority accepted its principle. Certain Amendments had then been moved, and one or two of those Amendments had been agreed to with modifications, and they were now considering another Amendment. It appeared to him that it was not a business-like proceeding, to the discussion of each Amendment, to

re-open the whole principle of the clause, and to wander even beyond that, and re-open the principle of the Bill itself. He would invite hon. Gentlemen on both sides, and especially those on the Government side, to refrain from discussing matters which lay beyond the scope of the Amendment—namely, that where school boards were dissolved, the whole powers of those boards should be transferred to the school attendance committees. One important power would be handed over by the operation of the clause; but, as had been already shown, the district would lose nothing by the suppression of a school board which had exercised no other power than that which would be so transferred, and where there were schools attached to the school board the clause would not apply. The right hon. Gentleman the Member for Birmingham proposed to go further, and to give to the school attendance committee the same powers that were possessed by school boards. That would in some respects aggravate the difficulty that was felt with regard to school boards, and the evils of elections would be transferred to Boards of Guardians and Town Councils, and occur annually instead of every three years. He did not think the Amendment a good one, and he asked the attention of the Committee to the real issue before them.

MR. WHITBREAD said, the clause under discussion entirely changed the whole scope and tenour of the Bill, and it was, therefore, a little too much to say that in debating it hon. Members should not go a single inch beyond the particular Amendment they were discussing. He deeply regretted the course that had been taken by the noble Lord opposite (Viscount Sandon). There was much in the Bill of which he cordially approved, and he had hoped, until this unfortunate clause was brought forward and adopted, that this Bill would have been a settlement of the education question for some time to come, and have brought the children into the schools without raising any religious difficulty. With respect to the instances of petty persecution to which the right hon. Gentleman the Member for Birmingham had referred, he must say that, as a Churchman, he much regretted them, but they should not be taken to be the acts of the Church, but of rash individuals within the Church; and it was necessary, if possible, to ob-

tain security against their recurrence. In country districts, Dissenters had not the option of sending their children to any but Church schools; and he asked whether, if the case were reversed, hon. Members opposite would think that the Bill gave sufficient security to the children of Churchmen? This was the only just way of looking at the question. If, as the noble Lord said, so few school boards were affected, why not make this small concession? If, again, it turned out that there was less religious animosity in entrusting these duties to Town Councils and Boards of Guardians, why should there be any fear lest the principle should become popular and should spread? If this clause were insisted on, it would be impossible that this Bill could be accepted as a final settlement of the question.

MR. COWPER-TEMPLE argued that the House ought to adhere to the position taken up in 1870—namely, that the voluntary schools, so long as they could maintain themselves, were to be allowed to do so. He sympathized in the grievances which the right hon. Gentleman the Member for Birmingham had detailed, and so far as legal interference could properly go, they ought to be prevented. He should support the Amendment of his right hon. Friend.

SIR THOMAS ACLAND said, the question involved in the clause of the hon. Member for South Leicestershire was regarded by those who sat on the Opposition side of the House as one of immense importance, and was an emanation of the policy of the Government, as indicated by the clause of the hon. Member for South Leicestershire. He did not wish to introduce bitterness or acrimony into the discussion, attributed to his right hon. Friend the Member for Birmingham; but he might state that travelling with a friend of his own on the previous day, a Nonconformist, he told him that there was such an opposition on the part of the Church to Dissenters, that a clause was put into the leases of farmers that they should not, on any account, allow Dissenters' services to take place in their farmhouses; and not only that, but that there should not be any religious services in the parish but those of the Church of England. There was a prevailing impression in the country that the Dissenters could not get fair play. There was no use in denying that gen-

tle men who had got what were called "quiet parishes" were not very desirous to let in elements of discord among them. The towns were able to take care of themselves; but the question was what was to be done in the country parishes? He did not object to the clergy and members of the Church of England doing all in their power to advance their own schools and religious opinions; but did the Parliament think that the Dissenters would submit to such a system as that which it was sought to subject them to? Were the Dissenters not as much entitled as Churchmen to have their schools and security for freedom of their religious convictions? They could not, without the greatest difficulty, obtain even a small site for a school in some parts of Cornwall. He regretted the tone in which the noble Lord had spoken both of school boards and Boards of Guardians. He thought that one good effect of this Bill would be to give the Boards of Guardians a higher sense of their duty to the poor of the country. The Government were making a great mistake in what they were doing, and he was quite sure they would not be backed up by the farmers. He was exceedingly anxious that the system of school boards should be made universal, and should not wish them to be abolished where they had been working well without substituting an efficient body for them. He gave credit to the noble Lord for what he had conceded in the discussion of this important question; but was it worth the noble Lord's while to adhere to the clause of the hon. Member for South Leicestershire? Much had been said by hon. Gentlemen in position of wealth about the pressure of the rate on the ratepayers for the erection of schools and school-board expenses; but, in his opinion, those who had wealth, and who affected to sympathize with the ratepayers, ought to bear half the expense of carrying out so great an object as that of educating the children throughout the country.

MR. NEWDEGATE said, that he had not voted on the Bill since the introduction of the clause proposed by the hon. Member for South Leicestershire, which, he feared, would tend to render the measure, which might be otherwise beneficial, liable to the objections urged by the right hon. Member for Birmingham. School boards could not be introduced

under the existing law, except where a deficiency of school accommodation had been proved, and where the accommodation was deficient; the effect of the compulsory powers under this Bill might force the children of parents, who disapproved of the religious teaching in the existing schools, to accept an education repugnant to their consciences. He agreed with the right hon. Member for Bradford (Mr. W. E. Forster) that school boards that were especially elected for educational purposes must be presumed to be better adapted for those purposes than Boards of Guardians or corporations, who were elected for other purposes; but he felt with the right hon. Member for Birmingham that the introduction of compulsory powers rendered some further provisions than those at present existing necessary, and he thought that the suspended power of a school board, while inexpensive, tended to afford the protection which parents needed against having their children forced into schools under the direction of persons of extreme opinions, and it was better that the appeal of these persons should be to their neighbours than to the Education Department, which might, under certain circumstances, be practically inaccessible to these poor persons. It was not enough that the House should infer by such a measure as this that it desired to establish religious education. Parliament was bound to define what it meant by religious education as consistent with religious freedom. At present what the House meant by religious education remained *in nubibus*. He (Mr. Newdegate) was not to be persuaded that such a definition was impossible. The late Lord Derby, in 1835, succeeded in defining a tolerant code of religious education for Ireland, in which he was fortunate enough to obtain the co-operation of the Roman Catholic Archbishop Murray, together with that of the Protestant Primate of Ireland. Such an undertaking for Ireland was far more difficult than for England; and if Her Majesty's Government chose to adopt the late Lord Derby's—then Lord Stanley—Irish scheme of 1835 of religious education as their model, he believed that they might easily arrive at a definition of religious teaching that would be acceptable to all tolerant Christians. The present difficulty was created by the determination of



the hon. Member for South Leicestershire and the Local Taxation Committee to reduce the rates at any risk or at any cost. That lay at the foundation of their determination to pull down school boards. He (Mr. Newdegate) feared that the Local Taxation Committee had taken a leaf out of the late Mr. O'Connell's book, who boasted that the young Ireland of his day understood the policy of making themselves inconvenient. He feared that the clause introduced into this Bill by the hon. Member for South Leicestershire, which was founded, like some other measures of the present Session, upon an indiscriminate determination to abolish local taxation, would inflict severe inconvenience upon Her Majesty's Government, and much trouble upon the House of Commons.

SIR JOHN LUBBOCK observed, that the country had by an overwhelming majority decided in favour of compulsion. This Bill extended that principle, though in an indirect manner; at all events, the Bill adopted it. He had voted for the second reading of the Bill; but if the clause moved by the hon. Member for South Leicestershire was passed, he should feel considerable doubt, in common with other hon. Members, as to what course he ought to take on the third reading. At present it appeared to him that the disadvantages of the Bill would be greater than the advantages. He hoped, even at that late stage of the debate, the Government would withdraw their support from the clause, for which, even as amended, he could not vote.

MR. GRANTHAM said, that as a member of a leading school board from its first formation in 1871 he had supported the Bill because he believed that the best way to maintain the high character of school boards was to abolish all boards as soon as they became useless. No board that was doing good work need fear abolition when the decision was left to two-thirds of the ratepayers, and boards which could not command that amount of popular support had better cease to exist. If in two or three years it was found that the new bodies to be appointed did not work well, it would be in the power of the Education Department to call for the appointment of another school board.

MR. ERNEST NOEL asked whether anything could be worse or do greater harm to school boards than that the Com-

mittee should pass a clause deliberately, after four days' discussion, that would create an agitation—it might be only against 400 of those boards at first—but, an agitation which, if they followed out what they had already done, would spread to other institutions of the kind. As had been pointed out over and over again, it was an illogical position to take up to accept the Amendment of the hon. Member for South Leicestershire after what they had done previously. It was contended that it was only just and equitable that the majority in a parish or a district were to have the right of putting down that which was to them useless. Very well; if they were to have that right in one place, they ought to have it in another. On the grounds of sacred liberty, justice, and equity, the Committee could not stand where they were, and it was for that reason that he thought they ought to do their utmost, even at this tenth hour, to induce the noble Lord or the Government to withdraw support to the clause which was so fatal to the interests of education in the country. Surely, if they had good cause, there was nothing at all factions in their doing their best to point out what they thought the defects of the clause. They were now, however, on the Amendment which he thought would modify the evil effects of the clause; and they had not heard any arguments against it except that it was a small one. He denied that it was a small one, and was of opinion that although it would not altogether get rid of the clause, it would at least modify it, so that it would be less objectionable. He, amongst others, thought that they were only doing their duty when they urged the Government one after another to withdraw the clause. They were more called on to do this, because they had been told from the other side that they did not sympathize with the Amendment and had no interest in it. Now, if every single Member on the Opposition side had spoken, it could only have been a fair answer to that. They did feel it, and felt it strongly. Could it be thought that they would have come down to the House again and again in the month of July to take part in these divisions if they did not feel the matter keenly? From his knowledge of hon. Members opposite, they were as much in favour of education as he and those who thought

*Mr. Newdegate*

with him were, and they quite as much as he would be loth to see anything done which would injure education. He believed, therefore, they had no strong desire to see the clause passed, and many, he was sure, would hail with gratitude an announcement from the Government that, looking at the feeling of the House, they did not intend to insist upon the clause.

MR. WHITWELL declared that the country would repudiate this attempt to overturn the Act of 1870. That, if anything, would be the effect of the clause of the hon. Member for South Leicestershire. He strongly advocated the adoption of the right hon. Gentleman's (Mr. Bright's) Amendment.

Question put, "That those words be there added."

The Committee divided:—Ayes 63; Noes 100: Majority 37.

MR. W. E. FORSTER moved the following Proviso:—

"That, if after the dissolution of a School Board in any School District the Education Department are of opinion that there is not a sufficient amount of public school accommodation in such School District, they may cause a School Board to be formed for such School District, and send a requisition to such School Board in the same manner in all respects as if they had published a final notice under 'The Elementary Education Act, 1870.'"

The right hon. Gentleman explained that his Amendment would not affect the question whether the formation of school boards should or should not be ordered, but would only refer to the machinery by which such boards should be called into operation if ordered by the Department.

*Amendment agreed to.*

MR. RYLANDS moved the following Amendment:—

"That the Education Department shall in each case, where it shall assent to the dissolution of a school board, lay before both Houses of Parliament a statement of its reasons for giving such assent."

*Amendment agreed to.*

Motion made, and Question proposed, "That the Clause, as amended, be added to the Bill."

MR. A. BROWN expressed a strong objection to the clause. Notwithstanding

ing the alleged unpopularity of school boards, he believed the majority of the people of this country had more confidence in the fairness of the management of schools under those boards than in the management of the old denominational system, and he feared the result of this clause would be to transfer schools now under school boards back again to denominational management, and thereby injure the cause of education.

SIR HENRY HAVELOCK said, this Bill was the most re-actionary measure ever introduced into the House. On the other hand, the Amendment of the right hon. Member for Birmingham was in favour of progress, and replete with good sense and moderation. Those in favour of the progress of education could have no possible excuse in not accepting the Amendment. Although he feared the Bill would pass, yet it would not command the approval of the majority of the thinking people of the country.

MR. MITCHELL HENRY said, there was one lesson which the Irish Members had learnt in this discussion. They had been charged with favouring a policy of obstruction in Parliament; but he must say that anything the Irish Members had ever advocated was mild in comparison with what had occurred in this Elementary Education Bill. They had now been debating one clause for a whole week. He hoped the Irish Members would take courage, and in the future would be a little more bold in their action. The Roman Catholics of Ireland would not accept of any compromise in reference to their religious convictions and the teaching of their children, and the Dissenters were also against compromise in reference to religious education; but he must say that in his experience he had never heard such intolerance as was expressed in this House in the discussion on the Bill. In justice, however, it must be admitted, that under the provisions of the Bill of 1870 the school boards in their constitution had a fair representation of Roman Catholics; and as between the Church of England Protestants and the Dissenters, the former were far more liberal in their views and actions towards the Roman Catholics than the Dissenters. The speech of the right hon. Gentleman the Member for

Birmingham had lowered the subject under discussion, whilst the speech of the hon. Gentleman the Member for Merthyr Tydvil (Mr. Richard) was eminently aggressive. There was more ill-feeling in that House between the members of the different religious Bodies than existed in Ireland between Roman Catholics and Protestants. Being, however, not entirely satisfied with this clause, he should abstain from voting.

MR. WHALLEY said, he was glad to have heard his right hon. Friend's concluding remarks in reference to the Protestant feeling of the Church of England to the Roman Catholics; but when his hon. Friend spoke of the Roman Catholic religion, and of his Roman Catholic constituency, he must tell him that the Roman Catholics had no religion at all. The hon. Member was an Englishman, and was proud to represent an Irish Roman Catholic constituency, and talked about their not submitting to any compromise in matters relating to their religion; but he maintained what he had already said—that Roman Catholics had no religion.

MR. RITCHIE asked whether the remarks of the hon. Member were in Order?

THE CHAIRMAN reminded the hon. Member for Peterborough that his observations were somewhat wide of the question before the Committee.

MR. WHALLEY said, he would endeavour to make available those quiet hours of the evening for calm discussion. He asked right hon. Gentlemen opposite to consider who they were, and whence they came. Nobody rejoiced more than he did at the last Election, when he saw the Conservative Party placed in power, because he saw that the right hon. Member for Greenwich was sacrificing his country upon the altar of expediency under the influences brought to bear upon him. ["Order, order!"]

THE CHAIRMAN observed that the hon. Member's remarks upon the course taken by the late Government were hardly germane to the question before the Committee. The Question before the Committee was whether the clause proposed by the hon. Member for South Leicestershire should be added to the Bill.

MR. WHALLEY: With regard to the compulsion now sought by this Bill, the object sought to be obtained was to

drive the children of the country into the hands of the clerical party, and to deprive them even of the protection of the magistrates. That was the special object of the clause of the hon. Member. He (Mr. Whalley) had asked the noble Lord who had charge of the Bill what the special object of the clause was, and upon what grounds it was proposed, but he could not get any satisfactory explanation. It was clear, however, that it was to give a power to get the children of the country into the hands of the clergy of the Church of England—men who possessed unbounded wealth; who, in addition to the rates, had great aid from the State, and whose neglect hitherto of their duty in not educating the children led to the passing of the Education Act of 1870. They every day had evidence of the impolicy of handing over the education of the children of the country to the clergy of the Church of England, whom they had, by the passing of the Public Worship Regulation Act, declared unworthy of confidence.

MR. GORST rose to Order. He did not see what the Act to which the hon. Member referred had to do with the Motion that the clause stand part of the Bill.

THE CHAIRMAN said, that any discussion as to the operation of the Public Worship Regulation Act was entirely foreign to the question before the Committee.

MR. WHALLEY submitted to the ruling of the Chairman. He was there like a lamb led to the slaughter. What was the time when this measure was introduced? At the moment when the Archbishop of Canterbury was appealing to Methodists, Quakers, Baptists, and jugglers to help the Church of England to save something of the wreck of Christianity—the Government stepped in and said they would help her, but the Church could not maintain her influence over the manhood of the country, and that her only chance now was to get hold of the poor little children. In the name of the Protestantism of the country he opposed this re-actionary, retrogressive, and Algerine Bill.

MR. W. HOLMS said, the clause would hasten the dissolution of school boards. Why should they do so? Had they not acted with vigour, or had they not efficiently discharged the duties committed to answer these ques-

tions he must refer to the last two Reports of the Committee of Council on Education. He had examined them, and the result of his investigation was this—he found that while in 1873 the accommodation afforded by voluntary schools amounted to 2,582,000, and in 1875 had increased to 3,146,000, or barely 25 per cent, and while the average attendance at these schools was 1,482,000 in 1873 and 1,837,000 in 1875, in the school board schools, the accommodation provided was for 125,000 in 1873 and 387,000 in 1875, or an increase of 200 per cent. Therefore, so far as vigour of action was concerned, they had a proportion of 8 to 1 in the advancement of the school board schools, compared to that of the voluntary schools. They had it also in the Report of the Committee of Council that in the voluntary schools the registers had, in several instances, been carelessly kept, if not actually tampered with; whereas the accounts of the school boards had invariably been accurately kept.

MR. E. JENKINS said, he should like to take that opportunity of repeating the protest which he had before made against the passing of the clause. He should also like to ask for an explanation of the extraordinary statement made the other night by the Chancellor of the Exchequer, when he spoke of the policy of the Government as being continuous of the policy of his right hon. Friend (Mr. W. E. Forster) in encouraging the voluntary system. When this was announced by the Government as the policy of the Bill, the House was justified in examining how far it was really a return to the voluntary system, and it was found that it was not a return to the voluntary system, but to a denominational one. He could not call this a voluntary system under which the noble Lord proposed that the State should find the whole of the expense, and the Church the whole of the management. He would rather call it a system of State patronage. Whether it was intended or not, this Bill would reverse the scheme of his right hon. Friend the Member for Bradford, and besides, they now had this insidious proposal of the hon. Member for South Leicestershire (Mr. Pell). It was hardly possible to have devised a measure of a more suicidal character. What would be the result? Simply this—the country would have found that the schools were

being maintained solely at the expense of the State, that the schools, although called voluntary, were being managed by the denominations, whilst the whole of the money either was granted by the State or came out of the pockets of the ratepayers. There could only have been one result of such a system, for it was always the case that when the State found the money, it assumed the control over it; and in this case it would have come to pass that the Government would have gradually assumed the control over every school. He was therefore free to admit that as that Bill stood before the clause of the hon. Member for South Leicestershire, he was willing to let it pass, and to wait contentedly until the time should come when it would be necessary for the State to take out of the hands of the sects all the schools for which it paid the whole of the expense; but this clause was so mischievous that they were obliged on the Liberal side to protest against the further progress of the Bill. The whole object was denominational. The attempt, from first to last, was as clearly one to establish a denominational system in the interests of the Established Church as any that had ever been made in that House. He did not say this as a Nonconformist—only because it was an infringement of the rights of the people. He protested against the further progress of the Bill, and he hoped that the Government would give some explanation of the statement of the Chancellor of the Exchequer with respect to the policy and development which he (Mr. Jenkins) had now shown to be of a most dangerous character.

Question put.

The Committee *divided*:—Ayes 122; Noes 81: Majority 41.

LORD FREDERICK CAVENDISH moved, after Clause 21, to insert the following clause:—

(Power to officers to enter places of employment.)

“The officer or officers appointed by the local authority to act in the execution of this Act, may, when any child is employed, enter the place of such employment, and examine touching any matter within the provisions of this Act.”

No such power existed in the Bill. It was a hardship alike to honest employers and to parents and children that such a

power should not exist to enforce the provisions of the Factories' Acts.

VISCOUNT SANDON could not consent to the very large powers indicated by the noble Lord being conferred upon the officers referred to. To confer such extraordinary powers of entry would be contrary to the whole practice of our law. Her Majesty's Government, however, thought that some provision of the kind, to enable with due safeguards a local authority to ascertain if the law as to the employment of children was broken was necessary, and would see what could be done before bringing up the Report.

Clause, by leave, *withdrawn*.

MR. RATHBONE moved, after Clause 22, to insert the following clause :—

(Provision for accommodation of pupil teachers.)

"The powers and expenses of a School Board under this Act shall include the provision of accommodation for pupil teachers employed in other than Board Schools at any class or course of instruction provided for pupil teachers employed in Board Schools, subject to such terms and conditions (if any) as the Education Department from time to time direct or approve."

VISCOUNT SANDON said, that this opened up the consideration of a very large question which really did not come within the scope of the Bill, and though he much appreciated his hon. Friend's motives in bringing it forward, he hoped that it would not now be entered upon.

Clause, by leave, *withdrawn*.

MR. MUNTZ moved, in page 9, after Clause 24, to insert the following clause :—

(Expense of providing offices may, with the consent of the Education Board, be spread over a term of years.)

"Where a School Board have incurred, or require to incur, any expense in providing offices, they may, with the consent of the Education Department, spread the payment over such number of years, not exceeding fifty, as may be sanctioned by the Education Department; and may contract a loan for such purpose in the same manner as if the said offices were a public elementary school; and for this purpose the provisions of section ten of 'The Elementary Education Act, 1873,' shall be held to apply to such loan, and the First Schedule of 'The Public Works Loans Act, 1875,' shall be held to include such work."

Clause *agreed to*, and added to the Bill.

Lord Frederick Cavendish

MR. HARDCASTLE moved, in page 9, after Clause 26, to insert the following clause :—

(Exemption of buildings used as school houses from rates.)

"From and after the commencement of this Act every building used as a school house within the meaning of 'The Elementary Education Act, 1870,' or as offices within the meaning of this Act, shall be exempt from any rate for any purpose whatever which any authority but for this Act would have power to impose or levy upon the occupier of any such school house or office as aforesaid, or of any part thereof respectively."

VISCOUNT SANDON said, that he thought the matter of rating ought to be considered as a whole, and hoped the hon. Member would not press his Amendment at the present time, as it opened up the whole of a very important subject, which ought to be dealt with, if touched at all, by a separate Bill, and should not be partially handled by a clause in this Bill, for the discussion of which it would be impossible now to find sufficient time.

MR. SAMPSON LLOYD thought public elementary schools ought to be exempted from rating as well as churches and chapels.

Clause, by leave, *withdrawn*.

MR. COWPER - TEMPLE moved, in page 10, after Clause 28, to insert the following clause :—

(The Apostles' Creed not to be deemed a formula as in section fourteen of Act of 1870.)

"Whereas doubts have arisen as to whether the Apostles' Creed is a formula within the meaning of section fourteen, sub-section two of 'The Elementary Education Act, 1870,' be it enacted, that the Apostles' Creed shall not be deemed to be a religious formula distinctive of any particular denomination within the meaning of the said section."

His object was to preserve to school boards a liberty which many of them had lost through a misunderstanding of the Act of 1870. Those catechisms only had been prohibited which might impress on the schools of a whole district an external badge of appropriation to one Church or sect, and the five school boards which were using the Apostles' Creed were justified both by the strict letter of the law and by the intentions of its framers. That Creed could not be distinctive of any single denomination. None could presume to claim it as their own. It was the inheritance of all

Christendom. It was recited before the existing separations of Christian sects had commenced; and it was universally acknowledged as an ancient summary of the leading facts of the Gospel, as received by the primitive Church. Some hon. Members would remember that he had stated in 1870 that this Creed was not included amongst the formularies that were there to be prohibited, and this view was confirmed by the right hon. Member for Greenwich, Sir Roundell Palmer, and others. This Creed would be a help to teachers, and would afford a test for examinations, and might, in conjunction with the Lord's Prayer and the Ten Commandments, furnish a basis of teaching and examination for all schools, whether managed by boards, or by the Church, or by Nonconformists.

VISCOUNT SANDON said, that he would remind his right hon. Friend that the Bill did not touch in any way upon the question of religious teaching in our schools; the Government must therefore entirely decline to enter upon a discussion of this most important subject which was not within the four corners of the Bill—a Bill which did not pretend to deal, as he stated on introducing it, with all the various matters connected with our educational legislation on which great public interest was felt—but was confined very much to one branch of the subject. He was very glad therefore to hear that his right hon. Friend did not propose to proceed with the clause.

MR. COWPER-TEMPLE said, after what fell from the noble Lord, he should withdraw the clause. He was confident that the lawfulness of the use of the Apostles' Creed if not affirmed in the Bill, would be declared by a decision of a Court of Law.

Clause, by leave, *withdrawn*.

MR. GREGORY moved, in page 11, after Clause 29, to insert the following clause:—

(Power to divide parishes.)

"Wherever it shall appear to the Education Department to be expedient or convenient, for the purposes of the Elementary Education Acts 1870 and 1873, or of this Act, to divide any parish into two or more separate parts, the Education Department may, with the consent of the Local Government Board, by Order, direct that each such part of the said parish as shall be defined and specified for that purpose in the Order shall, and the same shall accordingly as from the date of the Order, or any later date specified

in the Order, be for the purposes of the said Acts, or any of them, a separate parish by itself, and section seventy-seven of 'The Elementary Education Act, 1870,' shall apply thereto in like manner as if such part of a parish were part of a parish situate outside of a borough.

"The provisions of section fifty-six of 'The Elementary Education Act, 1870,' with respect to raising a sum from any place which is part of a parish, shall, where necessary, apply to a part of a parish which under this section is constituted a separate parish by itself."

VISCOUNT SANDON hoped his hon. Friend would not think it necessary to divide the Committee on this question at so late a period of the Session. He admitted the importance of the subject involved in the proposal, and would wish to be understood as giving no opinion, one way or other, on the merits of the clause; but, he could not but think that it was one which could be more appropriately raised, discussed, and settled on a Bill having reference to rating and areas of taxation. As a matter of fact, it would be utterly impossible at this period to discuss so important a matter.

Clause, by leave, *withdrawn*.

MR. HALL moved, in page 11, after Clause 29, to insert the following Clause:—

(Instruction in Scripture.)

"'The Elementary Education Act, 1870,' shall be construed as if there were added to section seven of that Act a sub-section, in the following words:—In any school in which no provision is otherwise made by the School Board or Managers for Religious Instruction, it shall be required of such School Board or Managers, in order to obtain an annual Parliamentary grant, that provision shall be made for the instruction in Scripture knowledge of those children whose parents may signify their desire for the same."

The hon. Member said, his sole desire in proposing this clause was to remedy what he regarded as a gross injustice inflicted upon the children of the poor by the existing law. He had given some thought to the matter, and had formulated the result of his thought in a moderate clause—some of his Friends thought the clause as he had drawn it was too moderate. There was a disposition in some quarters to treat this question of Scripture teaching lightly; but he looked upon the interest of the children who were to be instructed in the public elementary schools as being

altogether too important to allow of a question of the kind being played with. It was the duty of the country loyally to accept school boards among our institutions; but it was equally their duty to make those bodies as efficient as possible for the furtherance of education in its highest as well as in its most elementary branches. A majority had agreed to the appointment of school boards, and it was for the minority now to gracefully concede an extension of what the majority had decided upon. There was a strong feeling abroad in the country in reference to this question. Many parents believed that if their children were educated in schools where no regard was paid to Christianity or to Bible teaching, it would go ill with the children; but, as a matter of fact and law, the Bible could be excluded from the schools in any district at the will of a school board which might have been elected by a small majority only of the ratepayers. The ground on which his proposal was based was one on which Roman Catholics, Nonconformists, and Churchmen could alike take their stand; because there was a cold-bloodedness about the atmosphere of a school from which the Bible was excluded which must be repulsive to all parents possessing the slightest feeling of religion. Putting the question upon broader grounds, he would go the length of saying that the effect of the present law was to work injustice as between class and class in the community, and also taking the sections who came under school-board regulations between different branches of the same class. The school boards absorbed the voluntary schools to which the artizan classes were in the habit of sending their children, and in many cases religious teaching was abolished from the schools into which the children were dragged *volens volens*. The artizan parent was, therefore, left with no alternative, and he would like to know what would be said if the same principle was applied to the highest schools in the country. As an act of common justice, therefore, he asked the Committee to agree to the clause which he proposed.

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

*Mr. Hall*

VISCOUNT SANDON said, he honoured his hon. Friend for the courageous and hearty manner in which he had brought before the House the all-important subject of the religious teaching in our schools: and, though the Government could not assent to his proposal, as he had already reminded the Committee, when the right hon. Gentleman the Member for South Hampshire brought forward his proposal respecting the Apostles Creed—that the question of religious teaching did not come within the scope of the Bill, and that therefore the Government must decline to enter upon a discussion respecting it—he hoped the Committee would not doubt that the Government, and he himself, felt as strongly the importance of such teaching in our schools, as any hon. Member of the House, or as his hon. Friend who had so eloquently and so warmly pleaded for the reading of the Bible and religious instruction as a fundamental part of the national system of education. His own sentiments could not be mistaken on this subject; as, during the Committee on the Act of 1870, when the noble Lord the late lamented Member for Suffolk (Lord Augustus Hervey), whose premature death they all deplored, proposed to make reading of the Bible compulsory, with exemption under the full Conscience Clause for those who did not desire it, in all public elementary schools, he was one of those who voted for the proposal, which he much regretted was not at that time more largely supported by the Conservative Party. As to the Amendment itself, he quite agreed that when the State compelled, in one way or another, parents to send their children to school, and virtually took possession of all the time which the children of the labouring classes had available for instruction, the responsibility of the State was enormously increased as to what the children learnt in those schools. He agreed that a very serious case of conscience might arise if a parent who desired religious teaching was compelled, there being only one school available, to send his child to, and therefore employ all its school time in, a school where there was no religious teaching: and he confessed that he did not consider that they could rely upon Sunday schools or home instruction to supply religious teaching to the mass of the

people, if they had it not in the day schools, even if there were no other objections to such a separation between religion and week-day life. Surely the cases of the children of negligent, ignorant, or vicious parents would in any case specially suffer by such a treatment. No one could doubt, after what had passed at the last General Election and at the school board elections generally, that the country as a whole, and the parents belonging to the labouring classes who were primarily concerned in the matter, were strongly in favour of having the Bible and religious teaching a prominent part of the school course. He himself, having twice contested Liverpool, and having been elected by Westminster on the London School Board, could testify as to the earnest feeling of the operatives, artisans, and labourers on this subject. Happily, however, at present, religious teaching and Bible instruction was the rule in our schools. Some 40 or 50 school boards were, it was true, purely secular, excluding all religion from the schools, and some others reduced it to a miserably small and grudging amount; but the portion of the population under this treatment was comparatively very small, and in the great majority of board schools Bible teaching and religious instruction was a real part of the daily schooling. Indeed, he felt a perfect confidence that if there should be hereafter anything approaching to a general exclusion of the Bible, the mass of the population would experience a revulsion of feeling in favour of a return to the former system, by which the State took security that there should be Scriptural or religious teaching in all State-aided schools, for all who desired it. Still, however, they could not conceal from themselves that when education was made virtually compulsory, and a precedent condition to children's labour, and when, under a system of payment by results, the State took no care for religious teaching, it became the pecuniary interest of managers, teachers, employers, and parents to reduce such teaching to a minimum—and looking forward some years, there might, no doubt, be a danger that the teachers would shirk religious instruction, when they saw that the State set no account on religion. Still, at the present moment the teachers attached the greatest

importance to being able to use religious influence in their schools; and the Committee would doubtless remember that remarkable meeting of school teachers belonging to schools of very different denominations which took place in London on the subject of the Act of 1870, and which was assembled to protest against their hands being enfeebled, by religious teaching being forbidden to them in their schools. If, however, as time went on, owing to any circumstances, it was found that teachers began to put religious teaching in the background, he believed there would be such an outburst of feeling throughout the country as would make it necessary for the State to interfere, and secure by legislation this blessing to its people. He hoped this danger would not arise, but it was only right to admit that he did apprehend it might arise, and in the voluntary quite as much as in the board schools. The latter were worked under jealous and watchful public opinion, and as the English people were religious at heart, he did not believe that these schools would for any long period be able to neglect religious teaching. The danger of neglecting it appeared to him to be stronger in the voluntary schools, which necessarily did not work so much under the blaze of public opinion, and in which the temptation would be strong—he regretted much he saw evidence of it in schools already—to reduce the time set apart for religious teaching, so as to employ more time in teaching subjects which would earn the Government grant, and get the children out sooner into the labour market. What, then, was the position of the Government on this all-important subject? It must be remembered that in the Act of 1870 the great change was deliberately made by Parliament, in the face of the country, by which the former provisions of our educational system were abandoned, which made religious teaching a necessary condition of all State-aided schools, and secured such instruction by the examination in religious subjects by Her Majesty's School Inspectors; and that hereafter the State was to take cognizance only of secular teaching, though religion might be taught in all schools under a Conscience Clause. Now, in his first speech, he had stated that the Government was of opinion that they would



not be justified, and that it was undesirable, in the highest interests of the country, to attempt to reverse the leading features of a policy adopted deliberately by a former Parliament, unless it was quite clear that the country generally desired such a change. No one could doubt that to make religious teaching now compulsory in all schools, when in 1870 it was made non-compulsory, would be such a reversal. Was there that marked change in the mind of the country which called for, or would justify at the present moment, legislation in reversal of what was done in 1870 on this most grave matter? The Committee must surely agree that there was not sufficient evidence of such a change to make it right for the Government to take such a step. For though he was decidedly of opinion that the country and the great mass of artisans and labourers were strongly in favour of the Bible and some simple form of religious instruction in schools, still the Government must be very much guided on these large questions as to the mind of the country by what passed in Parliament; and he must remind the Committee that no debates had arisen, and no substantive Motions had been made in either House of Parliament since 1870 on the subject, and that the matter had only once been raised at all—namely, last year, by his hon. Friend the Member for Exeter (Mr. A. Mills) in the Estimates, when not a single hon. Member on either side of the House supported him. Under these circumstances, Her Majesty's Government, while sympathizing with the object of his hon. Friend, and agreeing cordially with him as to the supreme importance of having simple religious teaching an integral part of the education of the children of the country, did not think they would be justified in re-opening what was settled by the Act of 1870 on this point, unless they saw that there was a very great change in the general opinion of the country on the subject. He felt confident, therefore, that the position of the Government would not, after this explanation, be misunderstood, when he said that they could not assent to the Amendment.

SIR HENRY HAVELOCK said, he hoped the Committee would read the clause a second time, but held that it could not be carried out in the spirit in

which it was intended, and that no adequate safeguard for the rights of conscience would be afforded by it unless there were added at the end the words "in such a manner as those parents should prescribe." That Amendment he would be prepared to move.

MR. RITCHIE said, he hoped his hon. Friend the Member for Oxford (Mr. Hall) would press his Amendment to a division; if so, he would be followed into the Lobby by a large section of those who sat upon that side of the House and by many hon. Members opposite. The noble Lord had stated that his hon. Friend was not correct in saying that the Bible had been banished, but only excluded from certain schools. For his own part, he was not able to appreciate the difference. He held that it would have a most pernicious effect on the children if the Bible were excluded from the school.

MR. E. J. REED said, he thought the Government had exercised a very sound judgment in declining to adopt this clause. It would be the greatest mistake imaginable to introduce into an Educational Act a provision that children should be instructed in religious knowledge by the promiscuous teaching of school boards. If the clause was pressed he hoped a resolute opposition would be shown to it by all friends of religious freedom. He opposed the clause also on the ground that it was a serious interference with the Act of 1870.

VISCOUNT EMLYN said, he hoped the clause would be pressed to a division. It merely extended to a minority the rights which a majority now enjoyed. If it was wrong to compel a parent to contribute towards religious instruction to which he objected, it was equally wrong to compel a parent who objected to exclusive secular teaching, to send his child to a secular school and to contribute towards the cost of a system of which he disapproved. This clause would make the Conscience Clause a clause for every conscience, and he trusted it would be pressed to a division.

MR. W. E. FORSTER said, the adoption of the clause would involve a return to something like the state of things which existed before 1870, and which was abandoned as unjust and unreasonable in obedience to a preponderance of opinion on both sides of the House. Even before 1870 the Bill of the previous

Conservative Government, introduced into the Lords by the Duke of Marlborough, abandoned the requirement of the daily reading of the Scriptures. His own opinion was that nothing could be more inconsistent with the real interests of religion than to take hold of the managers and say—"You shall give religious instruction, whether you like it or not." Nothing, in his opinion, would be more destructive of the cause of religion. Although he disapproved the plan of the Birmingham School Board, he believed that if Birmingham was wrong, it would right itself in time, and he would not interfere with the action of the local majority.

MR. J. G. HUBBARD supported the Amendment. The principle of religious liberty was not carried out by the Act of 1870, which imposed a restraint on religious teaching, and he could not see why the liberty which was enjoyed in Scotland should not be extended to England.

LORD ROBERT MONTAGU was prepared to join the Government in opposing this clause, but not on the ground of religious freedom. It would produce a chaos of religious teaching in a school. The teaching of religion ought to be left in the hands of the parents of the children, and in a religious country like England such teaching would be safe in their hands.

MR. RODWELL opposed the clause, because he considered it a considerable departure—which that of his hon. Friend the Member for South Leicestershire (Mr. Pell) was not—from the principle of the Act of 1870. The clause, too, was imperfect, and would not, he believed, carry out the intention of his hon. Friend who proposed it.

MR. RAMSAY was glad to be able to support the hon. Gentleman in opposing this clause. He should like to see them adopt the principle of the Scotch Education Act, which neither prevented nor prescribed religious teaching, and yet there was not a school in Scotland where the children were not educated in Scriptural knowledge.

MR. HOLT held that if school boards were to be popular throughout the country they must give religious instruction to the children. Parliament ought not to leave it in the power of the local authorities to shut out the Bible from any school. The vast majority of the

school boards had decided in favour of religious teaching, and this proved that the feelings of the country were in favour of giving religious instruction in schools. By the Conscience Clause the parent who did not approve of the religious instruction could withdraw his child, and it was only fair that the parent who wished for it should have his child instructed in the Holy Scriptures. At present the only person whose conscience was not considered was the Christian parent whose poverty compelled him to send his children to a board school. He should, therefore, support the clause.

MR. A. M'ARTHUR said, the Amendment was unnecessary, and would be injurious to the cause of religious instruction, instead of promoting it.

THE CHANCELLOR OF THE EXCHEQUER said, he was anxious that there should be no misunderstanding as to the view the Government took on this question. They did not oppose the Amendment because they were indifferent or hostile to the proposal of his hon. Friend—on the contrary, they attached the highest importance to religious education in schools; but they felt that to undertake to deal with such a question on the present occasion would lead them too far afield. It would be impossible to adopt this clause by itself as a satisfactory mode of dealing with the question. It would be necessary, for instance, to provide again for a system of inspection to ascertain that the religious instruction was satisfactory; and, on the whole, the Government found it impossible to treat a question of this kind, upon which there was such a difference of opinion, in a measure introduced for other objects, and the scope of which could not be conveniently enlarged.

MRS WILLIAM HARCOURT asked what would be the practical effect of this proposal, which seemed to be introduced to gratify a sentiment shared by every Member of the House. Could they compel the teaching of religion as they could compel vaccination? An Act of Parliament to compel a school board which did not desire to teach religion to teach it seemed to him one of the most chimerical things in the world. The board would be sure to evade the obligation. It would be better to rely upon the religious feeling which existed in the country. His hon. Colleague (Mr. Hall) had

frequently declared that they could not make people sober by Act of Parliament; how, then, could they make them religious by Act of Parliament? He hoped that they would not be forced to a division upon this matter.

MR. NEWDEGATE said, that the hon. and learned Gentleman (Sir William Harcourt) had described the clause proposed by his Colleague the Member for the City of Oxford, as contemplating an impossibility, because his Colleague proposed to extend the Conscience Clause, now that the attendance of children in some schools or other was rendered compulsory, in the sense of giving the parents a right to demand Scriptural education for their children, if they so thought fit, as part of the teaching they were to be forced to accept; but the hon. and learned Gentleman had admitted that the present system of elementary education had superseded a rational system of religious education. How, then, could the far more moderate proposal of his Colleague contemplate or involve an impossibility? The noble Lord the Vice President of the Council had said that since 1870 the question of religious teaching in a national sense had not been stirred. He (Mr. Newdegate) thought that the noble Lord's memory had failed him, for in 1872 he remembered voting in a majority of that House with the noble Lord, whereby the House declared that the system of Scriptural education, according to "use and wont," should be retained in the elementary schools of Scotland. It was quite true that the then Government managed afterwards to rescind that vote by a small majority; still, it could scarcely be said that the House at that time did not entertain the subject of religious education, or that it had not been stirred. The noble Lord had also expressed a serious apprehension that the system now adopted would impair the earnestness of the school teachers in imparting religious instruction, and that it would even tend to shake their religious convictions. The noble Lord was perfectly right; his apprehensions were founded upon the teaching of history and experience. For some years previous to 1848 religious teaching had been discouraged in the German schools, especially in those of Prussia; the teachers either were or became irreligious, and in 1848 and 1849, it was found that

these schoolmasters had become the leaders of the revolutionary movement among the people. Irreligious men were apt to be revolutionists. It had been strange to hear in that debate Member after Member rise and declare that the value which the people of this country attached to religious education was so strong that they had forced the school boards to adopt religious teaching; and yet those very Members of an Assembly which opened its proceedings each day with prayer, protested that it would be inconsistent in the House of Commons to give effect to the religious convictions of the people in elementary schools, supported by public money. He (Mr. Newdegate), felt compelled to ask himself—"Was that House really a representative Assembly?" But the truth was that in that House, upon this subject, there was a sad want of earnestness and of moral courage. The House lacked the courage necessary to their genuinely representing the religious convictions of the people. It had been insinuated that the hon. Members near him were not sincere in their convictions. To that there could be but one answer given, and that answer would be found in the hon. Member for the City of Oxford enabling them to record their votes by pressing his clause to a division, and that he (Mr. Newdegate) hoped the hon. Member would do without delay.

MR. HALL explained that his proposal was not to force religious instruction, but simply to provide that it should be given where the parents desired it; or, in other words, it would give a Conscience Clause which would cut both ways. His hon. and learned Friend wanted to know how unwilling school boards could be compelled to teach religion? Now he (Mr. Hall) in proposing his Amendment, thought more of the parents than of the school boards. No doubt, the school boards found great difficulty in dealing with the question of religious teaching, and by way of getting rid of the difficulty they wanted to avoid the question of religious teaching altogether.

Question put.

The Committee divided:—Ayes 96; Noes 190: Majority 94.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

*Sir William Harcourt*

## BISHOPRIC OF TRURO BILL.

(Mr. Asheton Cross, Sir Henry Selwin-Ibbetson.)

[BILL 185.]

COMMITTEE. [Progress 26th July.]

Bill considered in Committee.

(In the Committee.)

Clause 6 (Appointment of Bishop of Truro).

MR. DILLWYN proposed, as an Amendment, words to the effect that, in the case of subsequent appointments to the Bishopric, the election should be made without reference to the *congé d'elire* by the Dean and Chapter, and that the nomination of the Crown should be definitive.

Amendment proposed, in page 3, line 9, to leave out the words "So long as there is not a Dean and Chapter of Truro."—(Mr. Dillwyn.)

Question again proposed, "That the words proposed to be left out stand part of the Clause."

Question put.

The Committee divided:—Ayes 135; Noes 67: Majority 68.

Clause agreed to.

Remaining Clauses agreed to.

House resumed.

Bill reported; as amended, to be considered *To-morrow*, at Two of the clock.

## CATTLE DISEASES (IRELAND) BILL.

(Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.)

[BILL 94.] CONSIDERATION.

Further consideration, as amended, resumed.

Bill considered.

Mr. BIGGAR moved—

In page 2, line 26, after the word "Funds," at the end of the previous Amendment, to add the words "Provided always, That in every order so made a time shall be specified, not exceeding three months, during which period and no longer such order shall be in force; but it shall be lawful for the Lord Lieutenant, with

the like advice, at any time before the expiration of the order, to make an order renewing same for any period not exceeding three months, and so from time to time to renew the order so long as he shall think it necessary to continue same; and so long as it shall be so renewed the original order shall be deemed to be and continue in force:

"All appointments made under and by virtue of such order shall absolutely cease and determine so soon as such order shall cease to be in force."—(Mr. Biggar.)

He said, the object of his Amendment was to prevent a staff of officials after the requisition of their services had ceased.

SIR MICHAEL HICKS - BEACH pointed out that the officials were only to be kept where required. He thought it would be very unwise to fetter the discretion of the Executive, and the addition of the clause would be a serious impediment in the way of the Privy Council.

MR. O'SHAUGHNESSY said, it was possible for the Privy Council to know how long disease might exist in a particular district, and for that reason he thought it was better that the officials should only be appointed for a stated time. The course would prevent the creation of vested interests.

CAPTAIN NOLAN supported the Amendment, and hoped the Government would give way on this point.

MR. WHITWELL also supported the Amendment.

Question put, "That those words be there added."

The House divided:—Ayes 45; Noes 97: Majority 52.

Other Amendments made.

Bill to be read the third time *To-morrow*, at Two of the clock.

## TRALEE SAVINGS BANK BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to provide for the collection and distribution of the assets of a former Savings Bank at Tralee, ordered to be brought in by Mr. WILLIAM HENRY SMITH and Sir MICHAEL HICKS-BEACH.

Bill presented, and read the first time. [Bill 275.]

House adjourned at a quarter before Two o'clock.



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TO

## HANSARD'S PARLIAMENTARY DEBATES,

### VOLUME CCXXX.

#### FOURTH VOLUME OF SESSION 1876.

#### EXPLANATION OF THE ABBREVIATIONS.

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When in this Index a \* is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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- l.* Read 2<sup>a</sup> \* June 22 (No. 95)  
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Report \* June 27  
Read 3<sup>a</sup> \* June 29.
- c.* Order read, for taking into Consideration the Lords Amendts. *July 10, 1272*; Moved, "That the Lords Amendts. be now considered;" after short debate, Question put; A. 139, N. 58; M. 81; Lords Amendts. considered; First Amendt. read  
Moved, "That this House doth agree with the Lords in the said Amendt.;" Moved, "That this House do now adjourn" (*Mr. Biggar*); Motion withdrawn  
Question again proposed; Moved, "That the Debate be now adjourned" (*Sir Joseph McKenna*); Motion withdrawn  
Original Question put, and agreed to; subsequent Amendts. agreed to [Special Entry]
- l.* Royal Assent *July 13* [39 & 40 Vict. c. 28]

**ADVOCATE, The Lord (Right Hon. E. S. GORDON), Glasgow, &c. Universities**

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Moved, "That there be laid before this House—a Return showing whether the provisions of the Agricultural Holdings Act, 1875, have or have not been adopted upon the estates held by the Duchy of Cornwall, the Charity Commissioners, and the Commissioners of Greenwich Hospital" (*The Earl of Camperdown*) *June 19, 1*; after short debate, Motion amended, and agreed to

**Agricultural Holdings (Scotland) Bill***[H.L.] (The Lord Advocate)*

- c.* Adjourned Debate on Question [8th June], "That the Bill be now read 2<sup>a</sup>" resumed *July 6, 1126*  
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- l.* Royal Assent *June 27* [39 & 40 Vict. c. 44]

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- c.* Bill withdrawn \* *July 13* [Bill 12]

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- c.* Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *July 4, 983*  
After short debate, Moved, "That the Debate be now adjourned" (*Mr. Forsyth*); Motion agreed to; Debate adjourned  
Adjourned Debate resumed *July 7, 1144*; after debate, Question put, and agreed to; Committee—R.P. [Bill 111]

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**Ardglass Harbour Improvement Bill***(Mr. William Henry Smith, Sir Michael Hicks-Beach)*

- c.* Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1<sup>a</sup> *June 19* [Bill 200]  
Read 2<sup>a</sup> \*, and referred to the Committee on Arklow Harbour Improvement Bill *July 11*  
Report of Select Committee *July 20*  
Committee (on re-comm.); Report, after short debate *July 21, 1763*  
Read 3<sup>a</sup> \* *July 26*  
*l.* Read 1<sup>a</sup> \* (*Lord Elphinstone*) *July 27* (No. 193)

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- c.* Considered in Committee *July 13, 1426*; a Resolution agreed to

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Hicks-Beach)

c. Considered in Committee; Resolution agreed  
to, and reported; Bill ordered; read 1<sup>st</sup>  
June 19 [Bill 199]  
Read 2<sup>nd</sup>, and referred to a Select Committee  
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Ordered, "That the Select Committee do con-  
sist of Five Members, Three to be nomi-  
nated by the House, and Two to be nomi-  
nated by the Committee of Selection; Mr.  
Basil Woodd, Mr. Assheton, and Mr.  
O'Shaughnessy accordingly nominated Mem-  
bers of the Committee  
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the Erne Lough and River Bill be referred  
to the Committee  
Ordered, That the Select Committee do consist  
of Seven Members July 17, 1817; Sir George  
Balfour and Colonel Makins added to the  
Committee (Mr. William Henry Smith)  
Bill withdrawn \* July 20

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of Works]**

c. Considered in Committee July 13, 1425; a  
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tial on*, Question, Mr. E. Jenkins; Answer,  
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(*Mr. Secretary Hardy, Mr. Stanley, Mr. William Henry Smith*)

- c.* Read 3<sup>d</sup> June 19 [Bill 182]  
*l.* Read 1<sup>st</sup> (Earl Cadogan) June 20 (No. 128)  
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(*Sir John Lubbock, Mr. Backhouse, Mr. Sampson Lloyd, Mr. Watkin Williams*)

- c.* Committee; Report June 23 [Bill 171]  
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- l.* Read 1<sup>st</sup> (Lord Aberdare) July 7 (No. 159)  
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- l.* Read 2<sup>d</sup>, after short debate June 22, 234 (No. 106)  
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(*Dr. Cameron, Mr. Baxter, Mr. Barclay, Mr. M'Laren, Mr. Edward Jenkins*)

- c.* Moved, "That the Bill be now read 2<sup>d</sup>" June 21, 183  
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Orphan and Deserted Children (Ireland), 2R. 992

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Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1335, 1524

Supply—Civil Services (Further Vote on Account), 822

Supreme Court of Judicature (Ireland), Comm. 361, 364

**BEAUCHAMP, Earl** (Lord Steward of the Household)

Prevention of Crimes Act Amendment, 2R. 485

**BEAUMONT, Major F. E. B., Durham, S.**

Army—Line and Scientific Corps—Garrison of Belfast, 1970

**BELMORE, Earl of**

Intemperance, Motion for a Select Committee, 729

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**BENTINCK, Mr. G. A. F. Cavendish**  
(Judge Advocate General), *Whitehaven*

Army—Court Martial on Captain Roberts, 1961

**BENTINCK, Mr. G. W. P., Norfolk, W.**

Navy, Administration of the, Motion for a Royal Commission, 446

Navy Estimates—Dockyards, &c. 469

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**BERESFORD, Lord C. W. D., Waterford Co.**

Navy, Administration of the, Motion for a Royal Commission, 449

Navy—Flogging, Punishment of, Res. 177

**BERESFORD, Colonel F. M., Southwark**

Army—Monocleff System of Artillery, 419

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Navy—Shipbuilding, Tenders for, 1177

**BIGGAR, Mr. J. G., Cavan Co.**

Admiralty Jurisdiction (Ireland), Lords Amendts. Motion for Adjournment, 1272

Agricultural Holdings (Scotland), 2R. 1127

Army—King George of Hanover, 256

Cattle Disease (Ireland), Comm. 1877; *cl. 5*, Amendt. *ib.*; *cl. 7*, Amendt. 1878; Consid. Amendt. 2021

Jurors Qualification (Ireland), Comm. Schedule 1, 146, 270, 271, 273; 3R. 340

Merchant Shipping Acts—Merchant Seamen Deserters, 422

Poor Law Amendment, Consid. Motion for Adjournment, 483

Public Works Loans, Comm. 981

Supreme Court of Judicature (Ireland), Comm. 363

Turkey—Eastern Question, The, 876

Naval Force in Turkish Waters, 1960

**BIRLEY, Mr. H., Manchester**

Elementary Education, Comm. *cl. 4*, 1289; *cl. 6*, 1405; *cl. 7*, Amendt. 1414; *cl. 12*, Amendt. 1449; Amendt. 1450; *cl. 14*, Amendt. 1451; *cl. 16*, Amendt. 1496, 1497; *cl. 27*, Amendt. 1505; Postponed *cl. 8*, Amendt. 1530; *add. cl.* 1657

**Bishopric of Truro Bill—Formerly Diocese of Exeter Bill**

(*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson*)

*c. Moved*, "That the Bill be now read 2<sup>o</sup>;"

Debate adjourned July 4, 1884 [Bill 185]

Adjourned Debate resumed July 21, 1881

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Dillwyn*); after short debate, Question put, "That 'now,' &c.;" A. 75, N. 23; M. 52

Main Question put, and agreed to; Bill read 2<sup>o</sup>

Committee<sup>a</sup>—*a.p.* July 24

Committee<sup>a</sup>—*a.p.* July 28

Committee; Report July 27, 2021

**BLACHFORD, Lord**

Malay Peninsula, Res. 845

Owners of Land (Ireland)—New "Domesday Book," 944

**BOURKE, Hon. R. (Under Secretary of State for Foreign Affairs), *Lynn Regis***

China, Res. 565

Egypt—Miscellaneous Questions

Court of Summary Justice, 1698

General Kirkham, Imprisonment of, 1477

Red Sea Boundary, 1810

France—Sugar Convention, 1875, 737

Ionian Islands—Treaty of 1864—Article 7—Public Debt, 7

Italy—William Mercer, Case of, 1173

Peru—"Talisman," Case of, 9

Roumania—The New Tariff, 852

Santa Fé—Bullion, Seizure of, 1046

Slave Trade—Miscellaneous Questions

Mozambique, 128

Red Sea, 869, 1137, 1815

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Spain—Constitution, Article 11—Religious Toleration, 6

Cuba—Chinese Coolies, 616;—Tax on Foreigners, 867

Treaty of Washington—Canadian Fishery Commission, 258

Turkey—Miscellaneous Questions

Bagdad, Plague in, 427

Bulgaria, Atrocities in, 1698, 1961

Eastern Question—Roumania, 1527

Herzegovina, Consular Memorandum on, 1480

Salonica Murders—Correspondence, 1820

Serbia—Revolted Provinces, 737, 950

***Bow Street Police Court (Site) Bill—Expenses of Commissioners***

c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair;" Question put; A. 125, N. 30; M. 95; main Question, "That Mr. Speaker, &c.," put, and agreed to; Matter considered in Committee; a Resolution agreed to July 13

***Bow Street Police Court (Site) Bill***

(Mr. William Henry Smith, Mr. Secretary Cross)

c. Moved, "That the Select Committee do consist of Five Members, Three to be nominated by the House, and Two to be nominated by the Committee of Selection" July 13; Moved, "That the Debate be now adjourned" (Captain Nolan); Question put; A. 8, N. 92; M. 84

Original Question put, and agreed to [Bill 191] Colonel Blackburne, Mr. Spencer Stanhope, and Mr. Richard Smyth accordingly nominated Members of the Committee

Ordered, That all Petitions presented against the Bill be referred to the Committee on the Bill, provided such Petitions are presented one clear day before the Meeting of the Committee; and that such of the Petitioners as pray to be heard by themselves, their Counsel, or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions.—That

[cont.]

***Bow Street Police Court (Site) Bill—cont.***

the Committee have power to send for persons, papers, and records; That Three be the quorum (Mr. William Henry Smith) Report of Select Committee July 19 Question, Mr. Whitwell; Answer, Mr. W. H. Smith July 20, 1825

**BOWYER, Sir G., *Waxford Co.***

Appellate Jurisdiction, Comm. 984, 1158

Homicide Law Amendment, 2R. 1942

**BRAND, Right Hon. H. B. W., (*see* SPEAKER, The)****BRASSEY, Mr. T., *Hastings***

Navy—Administration of the, Motion for a Royal Commission, 453

Navy Estimates—Dockyards, &amp;c. 469

**BRIGHT, Right Hon. J., *Birmingham***

Elementary Education, Comm. cl. 27, 1506; cl. 28, 1507; add. cl. 1669, 1670, 1674, 1718, 1829, 1910; Amendt. 1977, 1991

Medical Act Amendment (Foreign Universities), 2R. 1018

Parliament—Public Business, Arrangement of, 1638

Turkey—Eastern Question, The, 877

**BRIGHT, Mr. J., *Manchester***

Elementary Education, Comm. add. cl. 1851

Irish Parliament, Motion for a Select Committee, 785, 786

**BRISE, Colonel S. B. RUGGLES-, *Essex, E.***

Elementary Education, Comm. cl. 4, 1291; cl. 6, 1405; cl. 17, Amendt. 1498

**BRISTOWE, Mr. S. B., *Newark***

Commons, Consid. 132; Amendt. 133

Elementary Education, Comm. cl. 7, Amendt. 1414; Amendt. 1415, 1417; cl. 20, 1500;

Postponed cl. 8, 1530; add. cl. 1848

University of Cambridge, 2R. 1112

***British Museum, The—Salaries***

Question, Sir H. Drummond Wolff; Answer, The Chancellor of the Exchequer July 3, 858

**BROOKS, Mr. M., *Dublin***

Dublin—St. Stephen's Green, 612, 1882

Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1334

**BROWN, Mr. A. H., *Wenlock***

Elementary Education, Comm. cl. 6, 1401;

cl. 7, Amendt. 1413; cl. 11, Motion for reporting Progress, 1420; cl. 12, Amendt.

1450; Postponed cl. 9, Amendt. 1531; add.

cl. 1535, 1718, 2001

Parliament—Public Business, Arrangement of, 1640

Rivers Pollution Commission—The Report, 384

**BROWN, Mr. J. C., *Horsham***  
Army Mobilization—Irish Militia, 1698

**BRUCE, Hon. T. C., *Portsmouth***  
Navy Estimates—Scientific Departments, 459  
Turkey—Miscellaneous Questions  
Bosnia and Herzegovina, 1170  
Eastern Question, 265  
Salonica Murders—Correspondence, 1891, 1822

**BRUEN, Mr. H., *Carlow Co.***  
Criminal Law (Ireland)—Canvassing Jurors, 1974  
Jurors Qualification (Ireland), Comm. Schedule 1, 144, 270; Motion for reporting Progress, 272, 273; 3R. 338, 341  
Orphan and Deserted Children (Ireland), 2R. 988

***Brussels International Exhibition***  
Question, Mr. J. R. Yorke; Answer, The Chancellor of the Exchequer July 25, 1886  
*Sick and Wounded Soldiers*, Question, Lord Eloth; Answer, Mr. Gathorne Hardy July 17, 1477

**BUCCLEUCH, Duke of**  
Clean Rivers, 2R. 1881  
Commons, Comm. cl. 20, 1431  
Publicans Certificates (Scotland), Comm. cl. 13, 104

**BULWER, Mr. J. R., *Ipswich***  
Elementary Education, Comm. cl. 6, 1412; cl. 7, 1417

**Burghs (Division into Wards) (Scotland) Amendment Bill (*The Lord Stewart*)**

l. Read 2<sup>o</sup> June 19 (No. 116)  
Committee June 22  
Report June 23  
Read 3<sup>o</sup> June 26  
Royal Assent July 13 [39 & 40 Vict. c. 25]

**Burghs (Scotland) Gas Supply Bill**  
(*Lord Stewart of Garlies*)

l. Read 1<sup>o</sup> June 19 (No. 124)  
Read 2<sup>o</sup> June 27  
Committee; Report July 13  
Committee July 20 (No. 172)  
Report July 24  
Read 3<sup>o</sup> July 25

**Burial Grounds Bill**

(*Mr. John Talbot, Mr. Cubitt, Mr. Wilbraham Egerton*)

c. Moved, "That the Bill be now read 2<sup>o</sup>" July 26, 1913  
Amendt. to leave out "now," and add "upon this day two months" (*Mr. Osborne Morgan*):  
Question proposed, "That 'now,' &c.;"  
after debate, Moved, "That the Debate be now adjourned" (*Sir William Edmonstone*):  
Motion withdrawn  
Question again proposed, "That 'now,' &c.;"  
Amendt. and original Motion withdrawn;  
Bill withdrawn [Bill 67]

**BURT, Mr. T., *Morpeth***  
Crossed Cheques, Comm. cl. 6, 1516

**BUTLER-JOHNSTONE, Mr. H. A., *Canterbury***  
Parliament—Order—Balloting for Motions, 13

**BUTT, Mr. I., *Limerick City***  
Burial Grounds, 2R. Withdrawal of Bill, 1918  
Cattle Disease (Ireland), Comm. cl. 5, 1677  
Irish Parliament, Motion for a Select Committee, 738, 802, 803  
Jurors Qualification (Ireland), Comm. cl. 2, Amendt. 141; 3R. 340  
Land Tenure (Ireland), 2R. 666, 710  
Supply—Civil Service (Further Vote on Account), Motion for reporting Progress, 822  
Supreme Court of Judicature (Ireland), Comm. Amendt. 342, 364, 365

**CADOGAN, Earl**  
Army—Militia, Paymasters in the, 843  
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**CAIRNS, Lord (*see* CHANCELLOR, The Lord)**

**CALLAN, Mr. P., *Dundalk***  
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Turkey—Eastern Question, The, 874

**CAMERON, Dr. C., *Glasgow***  
Banns of Marriage (Scotland), 2R.\* 183, 197, 203, 205, 214, 222  
Civil Service Inquiry Commission—The Customs, 499  
Education—Government Inspectors and Secondary Schools, 1396  
Medical Act Amendment (Foreign Universities), 2R. 1011  
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**CAMERON, Mr. D., *Inverness-shire***  
Poor Law (Scotland), Comm. Motion for Adjournment, 535

**CAMPBELL, Lord**  
Turkey—Berlin Memorandum, 395, 418

**CAMPBELL, Sir G., *Kirkcaldy, &c.***  
Banns of Marriage (Scotland), 2R. 221  
China, Res. 559  
Elementary Education, Comm. add. cl. 1902, 1904  
India—Legislative Council, Acts of the, 426  
Jurors Qualification (Ireland), 3R. 342  
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**CAMPERDOWN, Earl of**

Agricultural Holdings (England) Act (1875),  
Motion for a Return, 1, 4  
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Report, 1128, 1130; Comm. 1943; Amendt.  
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politan Gas Company, Motion for Returns,  
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**Canada, Dominion of—British Columbia**  
—*Canadian Pacific Railway*

Questions, Mr. Alderman M'Arthur; Answer,  
Mr. J. Lowther July 3, 870

**CANTERBURY, Archbishop of**

Confession, Motion for a Paper, 1685  
Fiji, Address for Papers, 1688, 1694  
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**CARDWELL, Viscount**

Cruelty to Animals, Comm. cl. 3, 108, 114;  
Amendt. 118; cl. 5, 126  
Fiji, Address for Papers, 1693  
Gaslight and Coke Company, Comm. 1943  
Merchant Shipping, 2R. 333

**CARLINGFORD, Lord**

Gaslight and Coke Company, 2R. 232; Comm.  
1950  
Merchant Shipping, 2R. 333; Comm. cl. 4,  
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**CARLISLE, Bishop of**

Intemperance, Motion for a Select Committee,  
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**CARNARVON, Earl of (Secretary of State  
for the Colonies)**

Cruelty to Animals, Comm. cl. 1, 107; cl. 3,  
108, 115, 118, 120, 121; cl. 4, 124; cl. 5,  
125, 126; cl. 11, *ib*; Amendt. 127  
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Malay Peninsula, Res. 836  
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tution, 2R. 1039

**Cattle Disease (Ireland) Bill**

(*Sir Michael Hicks-Beach, Mr. Solicitor  
General for Ireland*)

a. Committee; Report July 20, 1877 [Bill 94]  
Considered \* July 25  
Considered \* July 26  
Considered July 27, 2021

**Cattle Disease (Ireland)—Pleuro-Pneu-  
monia—Compulsory Slaughter**

Question, Captain Moore; Answer, Sir Michael  
Hicks-Beach June 22, 253

**CAVE, Right Hon. S. (Paymaster Ge-  
neral), *New Shoreham***  
Army—Military Prisoners—Gunner Charlton,  
1963

**CAVENDISH, Lord F. C., *Yorkshire,  
W.R., N. Div.***

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1409; cl. 7, 1416; cl. 11, 1443, 1449;  
cl. 14, 1455; cl. 16, 1496; cl. 20, 1499;  
cl. 29, Amendt. 1508, 1509; cl. 34, 1512;  
*add. cl. 1537*; Amendt. 1540, 1544, 1666,  
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357

**CAWLEY, Mr. C. E., *Salford***

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**CECIL, Lord E. H. B. G. (Surveyor  
General of Ordnance), *Essex, W.***

Army—Moncrieff System of Artillery, 439  
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**Ceylon—The Breakwater at Trincomalee**

Observation, General Sir George Balfour;  
Reply, Mr. W. H. Smith July 6, 1049

**CHADWICK, Mr. D., *Macclesfield***

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**CHAMBERS, Sir T., *Marylebone***

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**CHANCELLOR, The LORD (LORD CAIRNS)**

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mittee, 1767, 1768  
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respondence, 1807

**CHANCELLOR of the EXCHEQUER (Right Hon. Sir S. H. NORTHOTE), Devon, N.**

Admiralty Jurisdiction (Ireland), Lords Amendts. 1272

Agricultural Holdings (Scotland), 2R. 1127

British Museum—Salaries, 858

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Civil Service Inquiry Commission—The Customs, 499

Constabulary Pensioners (Ireland), Motion for a Select Committee, 571

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Elementary Education, Comm. cl. 11, 1420, 1446; cl. 16, 1497; Amendt. *ib.*; *add.* cl. 1543, 1551, 1661, 1844, 1875, 1896, 1905, 1909, 1910, 1994, 2018

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Turkey—Insurgent Provinces, 500

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**Channel Islands, The—Royal Court of Jersey—Orders in Council**

Questions, Mr. Locke; Answers, Mr. Assheton Cross June 17, 5; June 26, 428; July 20, 1622

**CHAPLIN, Mr. H., Lincolnshire, Mid**

Elementary Education, Comm. cl. 34, 1512

Landlord and Tenant (Ireland) Act Amendment, 2R. 226

Turkey—Eastern Question, 265

**CHARLEY, Mr. W. T., Salford**

Appellate Jurisdiction, Comm. 1151; cl. 6, Amendt. 1160

China, Res. 565

Elementary Education, Comm. cl. 26, 1503; *add.* cl. Amendt. 1546

Elementary Education Act, 1870—Armley National School, 1527

**CHILDERS, Right Hon. H. C. E., Pontefract**

Navy Estimates—Dockyards, &c. 465, 471

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**CHILDERS, Right Hon. H. C. E.—cont.**

Public Works Loans, Comm. 979

Science and Art—Transit of Venus, 1169

Turkey—Salonica Murders—Correspondence, 1820

**China**

Moved, "That, having regard to the unsatisfactory nature of our relations with China, and to the desirability of placing those relations on a permanently satisfactory footing, this House is of opinion that the existing Treaty between the two Countries should be so revised as to promote the interests of Commerce, and to secure the just rights of the Chinese Government and People" (*Mr. Richard*) June 27, 536; after debate, Moved, "That this House do now adjourn" (*Mr. Ritchie*); Motion withdrawn; original Motion withdrawn

**China—The Blockade Question**

Question, Mr. Pender; Answer, Mr. J. Lowther June 27, 503

**Church Bodies (Gibraltar)—The Ordinances**

Question, Mr. Dillwyn; Answer, Mr. J. Lowther July 13, 1399

**Church of England—The Vicarage of Halifax**

Question, Lord Frederick Cavendish; Answer, Mr. Assheton Cross July 10, 1177

**Church of England, Confession in the—Report of Committee of Convocation**

Moved, "That there be laid before this House Copy of Report of the Committee of the Upper House of Convocation of the Province of Canterbury with regard to confession, agreed to in the Session of 1874" (*The Lord Oranmore and Browne*) July 21, 1681; after short debate, Motion agreed to

**Civil Bill Courts (Ireland) Bill**

(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach*)

c. 2R.; after short debate, Debate adjourned June 27, 535

Bill withdrawn \* July 17

[Bill 82]

**Civil Servants Superannuation (Unhealthy Climates) Bill—See title**

**Superannuation (Unhealthy Climates) Bill**

**Civil Service Inquiry Commission—The Customs**

Question, Dr. Cameron; Answer, The Chancellor of the Exchequer June 27, 499

**Civil Service Trading**

Motion for a Select Committee (*Sir Thomas Chambers*) June 20, 178 (House counted out)

**Clean Rivers Bill [H.L.]***(The Earl of Doncaster)*

- l. Presented; read 1<sup>st</sup> July 17 (No. 182)  
 Read 2<sup>nd</sup> July 25, 1881  
 Committee<sup>s</sup>; Report July 27

**Clerk of the Peace and of the Crown (Ireland) Bill***(Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach)*

- c. Bill withdrawn<sup>a</sup> July 17 [Bill 119]

**CLEVELAND, Duke of**

Commons, Comm. cl. 19, 1430

**Coal Mines—The Birley Explosion**

Question, Mr. Macdonald; Answer, Mr. Assheton Cross July 11, 1279

**COCHRANE, Mr. A. D. W. R. Baillie, Isle of Wight**Intoxicating Liquors (Scotland), 2R. 1386  
Metropolis—Paving, Cleansing, and Lighting, 423**COLE, Mr. H. T., Penrhyn, &c.**Appellate Jurisdiction, Comm. 1152; cl. 3, 1160  
Coroners, Res. 1314  
Prisons, 2R. 310**COLEBROOKE, Sir T. E., Lanarkshire, N.**Banns of Marriage (Scotland), 2R. 205  
Poor Law (Scotland), Comm. 533**COLERIDGE, Lord**Cruelty to Animals, Comm. cl. 3, 109  
Judicature Acts—Cave v. Mackenzie, 1957  
United States—Extradition, Address for Correspondence, 1805**Colonial Marriages Bill***(Sir Thomas Chambers, Dr. Cameron, Mr. Young)*

- c. Bill withdrawn<sup>a</sup> July 5 [Bill 87]

**COLVILLE OF CULROSS, Lord**

Wild Fowl Preservation, 3R. 1469

**Commons Bill***(Mr. Secretary Cross,**Sir Henry Selwin-Ibbetson)*

- c. Considered June 20, 131 [Bill 184]  
 Read 3<sup>rd</sup> June 22  
 l. Read 1<sup>st</sup> (Lord President) June 23 (No. 139)  
 Read 2<sup>nd</sup>, after short debate July 6, 1029  
 Committee July 14, 1427  
 Report July 18, 1518 (No. 176)  
 Read 3<sup>rd</sup> July 20 (No. 183)

**Companies Acts (1862 and 1867) Amendment Bill***(Mr. Chadwick, Sir Henry Jackson, Mr. Sampson Lloyd, Mr. Rylands, Mr. Hopwood, Mr. Benjamin Whitworth.)*

- c. Ordered; read 1<sup>st</sup> June 27 [Bill 211]

**Contagious Diseases Acts Repeal Bill***(Sir Harcourt Johnstone, Mr. Whitbread, Mr. Stansfeld)*

- c. Moved, "That the Bill be now read 3<sup>rd</sup>" July 19, 1556  
 Amendt. to leave out from "That," and add "considering the time which has elapsed since the Report of the Royal Commission, it is desirable that the subject of the Contagious Diseases Acts be referred to a Select Committee" (Mr. Eustace Smith) v.; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn  
 Main Question again proposed, "That the Bill be now read 2<sup>nd</sup>"  
 Amendt. to leave out "now," and add "upon this day two months" (Sir Charles Legard)  
 Question put, "That 'now' &c.;" A. 102, N. 224; M. 122  
 Words added; main Question, as amended, put, and agreed to; 2R. put off for two months [Bill 55]

**Convention (Ireland) Act Repeal Bill***(Mr. P. J. Smyth, Mr. Ronayne, Mr. O'Clery)*

- c. Bill withdrawn<sup>a</sup> July 10 [Bill 143]

**Convicted Children Bill***(Sir Eardley**Wilnot, Mr. Floyer, Mr. Serjeant Simon)*

- c. Read 2<sup>nd</sup> June 28 [Bill 192]  
 Bill withdrawn, after short debate July 5, 1623

**Convict Prisons (Returns) Bill***(Sir Henry Selwin-Ibbetson, Mr. Secretary Cross)*

- c. Ordered; read 1<sup>st</sup> July 3 [Bill 227]  
 Read 2<sup>nd</sup> July 10  
 Committee<sup>s</sup>; Report July 13  
 Read 3<sup>rd</sup> July 14  
 l. Read 1<sup>st</sup> (The Marquess of Salisbury) July 17  
 Read 2<sup>nd</sup> July 27 (No. 179)

**Coroners**

Moved, "That further legislation is desirable with regard to the qualification and appointment of Coroners and the mode of holding inquests" (Lord Francis Hervey) July 11, 1301; after short debate, Motion agreed to

**Coroners (Dublin) Bill***(The Lord O'Hagan)*

- l. Read 2<sup>nd</sup> June 22 (No. 109)  
 Committee<sup>s</sup> June 23  
 Report<sup>a</sup> June 26  
 Read 3<sup>rd</sup> June 27  
 Royal Assent July 13 [39 & 40 Vict. c. 95]

**COTTESLOE, Lord**

Local Government Board's Provisional Orders  
 Confirmation (Birmingham, &c.), Report, 1620  
 Poor Law Amendment, 2R. 1278

**COTTON, Right Hon. W. J. R. (Lord Mayor), London**

Crossed Cheques, Comm. cl. 5, Amendt. 1515  
 India—Kirwee Booty, 1393  
 Prisons, 2R. Motion for Adjournment, 312, 884  
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**of Peebles Justiciary District (Ireland) Bill**

*Lord Advocate, Mr. Secretary Cross*

1; read 1<sup>o</sup> June 28 [Bill 212]

2<sup>o</sup> June 30

tee\*; Report July 5

3<sup>o</sup> July 6

4<sup>o</sup> (The Lord President) July 7

5<sup>o</sup> July 11 (No. 158)

tee\*; Report July 13

6<sup>o</sup> July 14

Assent July 24 [39 & 40 Vict. c. clii]

**Rates (Ireland) Bill**

*Mr. Downing, Mr. Richard Smyth*

1<sup>o</sup> July 10 [Bill 138]

**Mr. J., Newcastle-on-Tyne**

*Secretary Education, Comm. 1288; cl. 7, ntd. 1416*

**and Lobster Fisheries**

*on, Mr. O'Shaughnessy; Answer, Mr. Assheton Cross July 27, 1867*

**nd Lobster Fisheries (Norfolk)**

*(Mr. Frederick Walpole, Sir Robert on, Mr. Colman)*

*on, Mr. Meldon; Answer, Mr. Assheton Cross June 26, 429*

tee\*; Report June 27 [Bill 109]

ered\* June 28

2<sup>o</sup> June 29

3<sup>o</sup> (Lord Suffield) June 30 (No. 154)

4<sup>o</sup> July 7

tee\*; Report July 10

5<sup>o</sup> July 13

Assent July 24 [39 & 40 Vict. c. cli]

**ORD, Mr. J. S., Down**

*rd and Tenant (Ireland) Act Amendment, 2R. 224*

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**ANEOUS QUESTIONS**

*f James Timony, Question, Mr. Anderson; Answer, Sir Michael Hicks-Beach 3, 853*

*f Thomas Hare—Cumulative Penalties, Question, Mr. Rodwell; Answer, Mr. Assheton Cross July 7, 1137*

*i—Canvassing Jurors, Question, Mr. Assheton; Answer, Sir Michael Hicks-Beach 27, 1974*

*res in Jermyn Street, Question, Mr. Assheton; Answer, Mr. Assheton Cross 11, 1281*

*escaped Fenian Prisoners, Question, Mr. Assheton; Answer, Mr. Disraeli 22, 251*

*ichborne Case—Arthur Orton, Question, Mr. O'Gorman; Answer, Mr. Assheton 18 June 22, 248*

**Criminal Law (Evidence) Amendment Bill** (*Mr. Ashley, Mr. George Clive*)

c. Farther Proceeding on 2R. resumed July 26, 1925

Moved, "That the Bill be now read 2<sup>o</sup>"  
Amendt. to leave out "now," and add "upon this day two months" (*Mr. Rodwell*);  
Question proposed, "That 'now,' &c.;" after debate, Amendt. and Motion withdrawn;  
Bill withdrawn [Bill 61]

**CROSS, Right Hon. R. A. (Secretary of State for the Home Department), Lancashire, S.W.**

Bishopric of Truro, 2R. 1761

Burial Grounds, 2R. Bill withdrawn, 1925

Channel Islands—Jersey—Orders in Council, 5, 6, 428, 1622

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Coal Mines—Birley Explosion, 1279

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**CROSS, Mr. J. K., Bolton**

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**Crossed Cheques Bill**

(*Mr. Attorney General*)

c. Committee—s.p. July 17, 1515 [Bill 212]  
Committee\*; Report July 24 [Bill 287]



**Cruelty to Animals Bill** [H.L.]

(*The Earl of Carnarvon*)

- l. Committee, after short debate *June 20*, 105
- Report \* *June 26* (No. 131)
- Read 3<sup>d</sup> *June 27*, 486 (No. 144)
- c. Read 1<sup>o</sup> \* (*Mr. Asheton Cross*) *July 18*

[Bill 250]

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Mr. W. H. Smith *June 22*, 251

**Customs Duties Consolidation Bill**

(*Mr. Raikes, Mr. William Henry Smith, Mr.*  
*Chancellor of the Exchequer*)

- c. Committee \*; Report *July 3* [Bill 188]
- Considered \* *July 6*
- Read 3<sup>o</sup> \* *July 7*
- l. Read 1<sup>o</sup> \* (*The Lord President*) *July 10*
- Read 2<sup>o</sup> \* *July 13* (No. 162)
- Committee \*; Report *July 14*
- Read 3<sup>o</sup> \* *July 17*
- Royal Assent *July 24* [39 & 40 Vict. c. 35]

**Customs Laws Consolidation Bill**

(*Mr. Raikes, Mr. William Henry Smith, Mr.*  
*Chancellor of the Exchequer*)

- c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *July 3*, 936; Moved, "That the debate be now adjourned" (*Mr. Dillwyn*); Motion withdrawn
- Original Question put, and agreed to; Committee; Report [Bill 154]
- Considered \* *July 6*
- Read 3<sup>o</sup> \* *July 7*
- l. Read 1<sup>o</sup> \* (*The Lord President*) *July 10*
- Read 2<sup>o</sup> \* *July 13* (No. 163)
- Committee \*; Report *July 14*
- Read 3<sup>o</sup> \* *July 17*
- Royal Assent *July 24* [39 & 40 Vict. c. 36]

**DALRYMPLE, Mr. C., Buteshire**

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United States—International Exhibition, Philadelphia—British Commission, 1479

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(*Mr. Sullivan, Dr. Ward, Mr. Arthur Moore*)

c. Ordered; read 1<sup>o</sup> \* June 19 [Bill 201]

DUFF, Mr. M. E. Grant, *Elgin, &c.*

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(*The Lord Advocate, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson*)

c. Question, Mr. M'Laren; Answer, Mr. Assehton Cross July 6, 1048; July 17, 1481  
Bill withdrawn \* July 17 [Bill 106]

**Ecclesiastical Offices and Fees Bill [H.L.]**  
(*The Lord Archbishop of Canterbury*)

l. Report \* June 19 (No. 123)

Read 3<sup>a</sup> \* June 22

c. Read 1<sup>o</sup> \* (*Sir John Kennaway*) July 4 [Bill 232]

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### MISCELLANEOUS QUESTIONS

*Elementary Education Act*, 1870—*Armley National School*, Question, Mr. Charley; Answer, Viscount Sandon July 18, 1527  
*Government Inspectors and Secondary Schools*, Question, Dr. Cameron; Answer, Viscount Sandon July 13, 1396  
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*Court of Summary Justice*, Question, Mr. Ralli; Answer, Mr. Bourke July 21, 1698  
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*Imprisonment of General Kirkham*, Question, Sir H. Drummond Wolff; Answer, Mr. Bourke July 17, 1477

*The Red Sea Boundary*, Question, Mr. Evelyn Ashley; Answer, Mr. Bourke July 24, 1809

**ELCHO, Lord, *Haddingtonshire***

Army—Mobilization Scheme, The New, 380

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**Election of Aldermen (Cumulative Vote) Bill**

(*Mr. Heygate, Mr. Russell Gurney, Mr. Fawcett, Mr. Wheelhouse, Mr. Morley*)

c. Bill withdrawn \* July 19 [Bill 46]

**Elementary Education Bill**

(*Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Secretary Cross*)

c. Order read, for resuming Adjourned Debate on Amendment proposed to Question [16th June], "That the Bill be now read 2°;" Debate resumed June 19, 15; after long debate, Question put; A. 309, N. 163; M. 140

Division List, A. and N. 96

On Question, "That the Bill be now read 2°;" after short debate, Question put; A. 356, N. 78; M. 273; Bill read 2° [Bill 155]

*The Amendments*, Question, Mr. W. E. Forster; Answer, Viscount Sandon July 7, 1141

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 10, 1186

Amendt. to leave out from "That," and add "in the opinion of this House, the principle of universal compulsion in Education cannot be applied without great injustice, unless provision be made for placing public Elementary Schools under public management" (*Mr. Richard*) v.; Question proposed, "That the words, &c.;" after long debate, Question put; A. 317, N. 99; M. 218

Division List, A. and N. 1268

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—S.P.

Committee—R.P. July 11, 1283

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*Certificated Children—Clause 14*, Question, Mr. Heygate; Answer, Viscount Sandon July 20, 1630

Committee—R.P. July 20, 1640

Committee—R.P. July 21, 1700

Committee—R.P. July 24, 1822

Committee—R.P. July 25, 1890

Committee—R.P. July 27, 1976

**Elementary Education Provisional Order Confirmation (Cardiff) Bill [H.L.]**

(*The Lord President*)

l. Presented; read 1°\*, and referred to the Examiners June 23 (No. 142)  
Read 2°\* June 27

(*cont.*)

**Elementary Education Provisional Order Confirmation (Cardiff) Bill—cont.**

Committee\*; Report July 6

Read 3°\* July 7

c. Read 1°\* (*Viscount Sandon*) July 10 [Bill 2]

Read 2°\* July 13

Committee\*; Report July 21

Read 3°\* July 24

**Elementary Education Provisional Order Confirmation (Hailsham, &c.) Bill [H.L.]**

(*The Lord President*)

l. Committee\* June 26 (No. 101)

Report\* June 27

Read 3°\* June 29

c. Read 1°\* (*Viscount Sandon*) July 3 [Bill 22]

Read 2°\* July 6

Committee\*; Report July 17

Read 3°\* July 18

Royal Assent July 24 [39 & 40 Vict. c. ciii]

**Elementary Education Provisional Order Confirmation (Hornsey) Bill [H.L.]**

(*The Earl Cadogan*)

l. Read 2°\* June 20 (No. 104)

Committee\*; Report June 29

Read 3°\* June 30

c. Read 1°\* (*Viscount Sandon*) July 3 [Bill 22]

Read 2°\* July 6

Committee\*; Report July 17

Read 3°\* July 18

l. Royal Assent July 24 [39 & 40 Vict. c. cii]

**Elementary Education Provisional Order Confirmation (London) Bill [H.L.]**

(*The Lord President*)

l. Committee\*; Report June 26 (No. 100)

Read 3°\* June 27

c. Read 1°\* (*Viscount Sandon*) July 3 [Bill 22]

Read 2°\* July 7

Question, Explanation, Lord Francis Hervey

Answer, Viscount Sandon July 10, 1178

**Elementary Education Provisional Order Confirmation (Tolleshunt Major) Bill [H.L.]**

(*The Earl of Derby*)

l. Read 2°\* June 20 (No. 114)

Committee\* June 29

Report\* June 30

Read 3°\* July 3

c. Read 1°\* (*Viscount Sandon*) July 6 [Bill 22]

Read 2°\* July 10

Committee\*; Report July 18

Read 3°\* July 20

l. Royal Assent July 24 [39 & 40 Vict. c. cii]

**ELLICE, Mr. E., *St. Andrews***

Public Works Loan Commissioners—Rae Trusts (Scotland), 872

**ELLIOT, Sir G., *Durham, N.***

Elementary Education, Comm. cl. 34, 1514

**ELPHINSTONE, Sir J. D. H., *Portsmouth***

Parliament—Leitrim County Elections—Captain O'Beirne, 181

**Elver Fishing Bill**

(*Mr. Monk, Mr. Price*)

- c. Read 2<sup>o</sup> \* June 29 [Bills 162-225]
- Committee \* ; Report July 3
- Considered \* July 6
- Read 3<sup>o</sup> \* July 7
- l. Read 1<sup>o</sup> \* (*The Lord Boyle*) July 10 (No. 164)
- Read 2<sup>o</sup> \* July 14
- Committee \* ; Report July 20
- Read 3<sup>o</sup> \* July 21
- Royal Assent July 24 [39 & 40 Vict. c. 34]

**EMLYN, Viscount, Carmarthen**

Elementary Education, Comm. add. cl. 2016

**Endowed Schools Act, 1869**

Moved, That there be laid before the House, Return made out county by county, with in each case a proximate estimate of the annual value of the endowments, of (1) the number of schemes finally approved and in force in England and Wales under the Endowed Schools Act of 1869; of (2) the number of schemes published by the Endowed Schools Commissioners and the Charity Commissioners but not yet finally approved; and (3) educational endowments not included in Nos. 1 and 2 but within the provisions of the said Act, distinguishing those to which section 3 of the Endowed Schools Act, 1873, applies, in continuation of the Return ordered the 22nd of June 1875" (*The Earl Fortescue*) June 26, 388; after short debate, Motion agreed to

**ENFIELD, Viscount**

Army—Militia, Paymasters in the, 848

**English Channel, The—The Straits Tunnel**

Questions, Mr. Whalley; Answers, Sir Charles Adderley July 4, 947

**Epping Forest—The Forest Commissioners' Scheme**

Question, Mr. Cowper-Temple; Answer, Mr. W. H. Smith July 20, 1624

**Erne Lough and River Bill**

(*Mr. William Henry Smith, Sir Michael Hicks-Beach*)

- c. Read 2<sup>o</sup> \*, and committed to the Select Committee on the Arklow Harbour Improvement Bill July 11 [Bill 187]
- Report of Select Comm. July 20
- Order for Committee (*on re-comm.*) read;
- Moved, "That Mr. Deputy Speaker do now leave the Chair" July 21, 1763
- Moved, "That the Debate be now adjourned" (*Mr. Dilwyn*); after short debate, Question put; A. 8, N. 53; M. 45; original Question put, and agreed to; Committee; Report
- Read 3<sup>o</sup> \* July 24
- l. Read 1<sup>o</sup> \* (*Marquess of Salisbury*) July 25 (No. 189)

**Erne Lough and River [Expenses of Works]**

- c. Considered in Committee July 13, 1426; a Resolution agreed to

**ERRINGTON, Mr. G., Longford Co.**

Foreshores—Balbriggan Foreshore, 1045  
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**ESLINGTON, Lord, Northumberland, S.**

Elementary Education, Comm. add. cl. 1535  
Medical Act Amendment (Foreign Universities), 2R. 1010  
Turkish Debt—Loan of 1854, Res. 1758

**EVANS, Mr. T. W., Derbyshire, S.**

Elementary Education, Comm. cl. 4, 1292; cl. 6, 1409; cl. 33, 1511; add. cl. 1903, 1905  
Prisons, 2R. 295

**EVERSLEY, Viscount**

Commons, Report, cl. 19, 1518

**EWING, Mr. A. Orr, Dumbartonshire**

Banns of Marriage (Scotland), 2R. Amendt. 196, 197, 201  
Crossed Cheques, Comm. cl. 6, 1516  
Intoxicating Liquors (Scotland), 2R. 1387  
Pollution of Rivers, 2R. 1877  
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**EXCHEQUER, CHANCELLOR of the (see CHANCELLOR of the EXCHEQUER)**

**EXETER, Bishop of**

Endowed Schools Commissioners, Motion for Returns, 390  
Union of Benefices, Comm. 938

**Exhausted Parish Lands Bill**

(*Mr. Sclater-Booth, Mr. Salt*)

- c. Ordered \* July 13
- Read 1<sup>o</sup> \* July 14 [Bill 252]
- Read 2<sup>o</sup> \* July 17
- Committee \* ; Report July 30
- Read 3<sup>o</sup> \* July 21
- l. Read 1<sup>o</sup> \* (*Earl Jersey*) July 24 (No. 186)

**Exhibition Commissioners of 1851—The Financial Position**

Question, Mr. J. R. Yorke; Answer, Mr. Assheton Cross June 22, 254

**Explosive Substances Act, 1875—Explosion at Hamilton**

Question, Mr. Ramsay; Answer, Mr. Assheton Cross June 22, 258

**Factory and Workshop Acts**

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**FAWCETT, Mr. H., Hackney**

Commons, Consid. 131, 132, 136; Amendt. 139  
Elementary Education, Comm. cl. 4, 1295; cl. 6, 1409; cl. 11, 1441; add. cl. 1541, 1875, 1907; Amendt. 1908, 1909  
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Turkey—Eastern Question, 880;—Papers, 946

**FAY, Mr. C. J., *Cavan Co.***

Jurors Qualification (Ireland), Comm. Sched-  
ule 1, 270

***Fiji***

Moved, "That an humble Address be presented  
to Her Majesty for, Copies or extracts of  
any other correspondence or documents ex-  
plaining the present condition of the colony  
of Fiji" (*The Viscount Canterbury*) July 21,  
1889; after short debate, Motion withdrawn

***Fiji Islands, The***

Rumoured Disturbances, Question, Sir Wilfrid  
Lawson; Answer, Mr. J. Lowther July 10,  
1174

*The Papers*, Questions, Mr. W. E. Forster;  
Answers, Mr. J. Lowther July 27, 1967

***Fisheries (England)—Rye Bay***

Question, Mr. Stewart Hardy; Answer, Mr.  
Hunt June 22, 253

**FITZMAURICE, Lord E. G., *Calne***

Commons, Consid. Amendt. 136; Amendt. 137  
Elementary Education, Comm. cl. 7, 1413,  
1414; add. cl. 1535, 1542, 1650, 1651, 1710  
Parliament—Public Business, Arrangement of,  
130  
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**FLOYER, Mr. J., *Dorsetshire***

Elementary Education, Comm. cl. 14, 1456

***Foreshores—Balbriggan Foreshore***

Question, Mr. Errington; Answer, Sir Charles  
Adderley July 6, 1045

**Forfeiture Relief Bill**

(*Mr. Marten, Mr. Osborne Morgan, Mr. Gregory*)  
c. Ordered; read 1<sup>o</sup> \* July 19 [Bill 259]

**FORSTER, Sir C., *Walsall***

Parliament—Public Petitions—Grants of  
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Vaccination Acts—Boards of Guardians, 945

**FORSTER, Right Hon. W. E., *Bradford***

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*Mr. William Henry Smith*)

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1. Read 1<sup>o</sup> \* (*The Lord President*) June 29  
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[H.L.] (*The Lord Elphinstone*)

1. Royal Assent June 27 [39 & 40 Vict. c. 41]

**Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.) Bill** [H.L.]

- a. Read 2<sup>a</sup> \* June 19 [Bill 195]  
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1. Read 2<sup>a</sup> \* June 20 (No. 112)  
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a. Read 1<sup>o</sup> \* (*The Lord Advocate*) July 6  
Read 2<sup>a</sup> \* July 10 [Bill 235]  
Committee \*; Report July 18  
Read 3<sup>a</sup> \* July 20  
1. Royal Assent July 24 [39 & 40 Vict. c. clvii]

**General Police and Improvement (Scotland) Provisional Orders Confirmation (Perth) Bill** [H.L.] (*The Lord Steward*)

1. Read 2<sup>a</sup> \* June 20 (No. 113)  
Committee \* June 29  
Report \* June 30  
Read 3<sup>a</sup> \* July 3  
a. Read 1<sup>o</sup> \* (*The Lord Advocate*) July 6  
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1. Read 2<sup>a</sup> \* June 23 (No. 122)  
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Read 2<sup>a</sup> \* July 10 [Bill 242]  
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**Homicide Law Amendment Bill [Bill 75]**

(*Sir Eardley Wilmot, Mr. Whitwell*)

*c.* Order read, for resuming Adjourned Debate on Question [8th March]. "That the Bill be now read 2<sup>o</sup>;" Debate resumed July 26, 1942; after short debate, Debate adjourned

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**Increase of the Episcopate Bill**

(*Mr. Beresford Hope, Sir John Kennaway, Mr. Thomas Brassey*)

c. Order read, for resuming Adjourned Debate on Question [16th February], that the Question then proposed, "That this Bill be now read 2<sup>d</sup>," be now put (*Sir Walter Barttelot*); Previous Question again proposed, "That that Question be now put;" Debate resumed July 5, 1920; after short debate, Question put, and negatived [Bill 11]

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*The Kirwee Booty*, Question, The Lord Mayor; Answer, Lord George Hamilton July 13, 1393

**Industrial and Provident Societies Bill**

(*The Lord Henniker*)

l. Read 2<sup>d</sup> June 20, 127 (No. 90)

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Read 3<sup>d</sup> \* July 7

**Inns of Court Procedure Amendment Bill**

(*Mr. H. B. Sheridan, Mr. Ingram, Mr. Dillwyn*)

c. Ordered; read 1<sup>o</sup> \* July 19 [Bill 258]

**Intemperance**

Moved, "That a Select Committee be appointed for the purpose of inquiring into the prevalence of habits of intemperance, and into the manner in which those habits have been affected by recent legislation and other causes" (*The Lord Archbishop of Canterbury*) June 30, 715; after debate, Motion agreed to; List of the Committee, 734

A Joint Committee, Question, Mr. Onslow; Answer, Mr. Assheton Cross July 6, 1042

**Intoxicating Liquors (Licensing Law Amendment) (No. 2) Bill**

(*Sir Harcourt Johnstone, Mr. Birley, Sir John Kennaway, Mr. Pease*)

c. Bill withdrawn \* July 25 [Bill 116]

**Intoxicating Liquors (Scotland) Bill**

(*Sir Robert Anstruther, Mr. Dalrymple, Mr. Mailland, Mr. Edward Jenkins*)

c. Moved, "That the Bill be now read 2<sup>o</sup>" July 12, 1371

Amend. to leave out "now" and add "upon this day three months" (*Mr. Alfred Marten*); Question proposed, "That 'now,' &c.;" after short debate, debate adjourned [Bill 91]

**IRELAND**

**MISCELLANEOUS QUESTIONS**

*Cattle Disease—Pleuro-Pneumonia—Compulsory Slaughter*, Question, Captain Moore; Answer, Sir Michael Hicks-Beach June 22, 253

[cont.]

## IRELAND—cont.

*Clerks of the Peace*, Question, Sir Joseph M'Kenna; Answer, The Solicitor General for Ireland July 3, 851

*Constabulary*, Question, Mr. Mitchell Henry; Answer, Sir Michael Hicks-Beach July 24, 1808

*Convict Prisons*, Question, Mr. French; Answer, Sir Michael Hicks-Beach June 30, 736

*Criminal Law—Canvassing Jurors*, Question, Mr. Bruen; Answer, Sir Michael Hicks-Beach July 27, 1974

*Criminal Law—Case of James Timony*, Question, Mr. Anderson; Answer, Sir Michael Hicks-Beach July 3, 853

## Education

*National Board of Education—Inspectors' Reports*, Question, Mr. Meldon; Answer, Sir Michael Hicks-Beach June 29, 615;—*The Staff*, Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach July 4, 950

*National School Teachers—Case of Michael Moyna*, Question, Mr. W. Johnston; Answer, Sir Michael Hicks-Beach June 26, 421

*Results Examination—Delay of Payments*, Question, Mr. O'Reilly; Answer, Sir Michael Hicks-Beach July 3, 868

*Fisheries—Cape Clear Island*, Question, Mr. McCarthy Downing; Answer, Sir Michael Hicks-Beach June 22, 253;—*Inspectors of Irish Fisheries—The Annual Reports*, Question, Mr. O'Shaughnessy; Answer, Sir Michael Hicks-Beach July 27, 1966;—*Trawling Vessels in Galway Bay*, Question, Mr. O'Shaughnessy; Answer, Sir Michael Hicks-Beach July 10, 1171

*Kilbarry Marsh*, Question, Mr. Richard Power; Answer, Sir Michael Hicks-Beach June 19, 5

*Landed Owners*, Question, Mr. McCarthy Downing; Answer, Sir Michael Hicks-Beach July 6, 1047

*Loans*, Question, Mr. Dodson; Answer, Mr. W. H. Smith June 22, 261

*National Museum and Institute of Science and Art for Ireland*, Question, Mr. Sullivan; Answer, Viscount Sandon July 24, 1808

*Owners of Land—The New "Domesday Book,"* Question, Observations, The Earl of Belmore; Reply, The Duke of Richmond and Gordon; short debate thereon July 4, 943

*Papal Authority in Ireland*, Question, Mr. Whalley; Answer, Mr. Disraeli July 4, 948

*Peace Preservation Acts—The County of Louth*, Question, Mr. Callan; Answer, Sir Michael Hicks-Beach July 20, 1627

*Poor Law—South Dublin Workhouse*, Question, Dr. Ward; Answer, Sir Michael Hicks-Beach July 24, 1812

*Registry of Deeds Office—Legislation*, Question, Mr. O'Connor Power; Answer, Mr. W. H. Smith June 28, 418

*Registry of Deeds—Mr. Dillon's System*, Question, Sir Colman O'Loghlen; Answer, Mr. W. H. Smith July 6, 1045

*St. Stephen's Green, Dublin*, Question, Mr. M. Brooks; Answer, Mr. W. H. Smith June 29, 612; Question, Mr. M. Brooks; Answer, Sir Michael Hicks-Beach July 25, 1882

## The Irish Church

*Irish Church Act, & Monuments, Que*

## IRELAND—cont.

*labide*; Answer, The Lord Chancellor July 24, 1766

*Irish Church Body—Emily Cathedral Church*, Question, Captain Nolan; Answer, Sir Michael Hicks-Beach July 25, 1884

*Sale of Ecclesiastical Edifices*, Question, Mr. A. Moore; Answer, The Solicitor General for Ireland July 27, 1973

*The Irish Judicial Bench—Mr. Serjeant Armstrong*, Questions, Mr. Callan; Answer, Sir Michael Hicks-Beach July 7, 1140; July 19, 1175

*The Thurles Coronership*, Question, The O'Donoghue; Answer, Sir Michael Hicks-Beach June 22, 247

*The Upper Shannon*, Question, Mr. Errington; Answer, Sir Michael Hicks-Beach July 10, 1171

*Training Ships*, Question, Major O'Gorman; Answer, Mr. A. Egerton July 6, 1049

## Ireland—An Irish Parliament

Amendt. on Committee of Supply June 30. To leave out from "That," and add "a Select Committee be appointed to inquire into and report upon the nature, the extent, and the grounds of the demand made by a large proportion of the Irish people for the restoration to Ireland of an Irish Parliament, with power to control the internal affairs of that Country" (*Mr. Butt*) v., 738; Question proposed, "That the words, &c.;" after long debate, Question put; A. 291, N. 61; M. 230

Division List, A. and N., 819

## Ireland—Blackwater Fishery

Moved, "That, without desiring to infringe upon private rights of several fishery in the Blackwater, this House is of opinion that it is the duty of the Government to watch over and protect the rights of the public in respect to fishery in the tidal waters of that and other Irish rivers" (*Sir Joseph M'Kenna*) July 11, 1332; after short debate, [House counted out]

## Ireland—Church Temporalities

Question, The Earl of Leitrim; Answer, The Duke of Richmond and Gordon June 29, 611

Returns ordered—

"(1.) Name of each purchaser of lands sold by the Commissioners of Church Temporalities in Ireland;

"(2.) Denomination of land sold, with names of the benefice, county, and barony;

"(3.) The purchase money in each case, distinguishing between the amount paid in cash and the amount secured by mortgage;

"(4.) The date of each sale;

"(5.) The amount of rent formerly paid for each holding sold;

"So far as the same can be given" (*The Earl of Leitrim*)

## Ireland—Constabulary Pensioners

Moved, "That a Select Committee be appointed to inquire into the justice of the claims of the Royal Irish Constabulary Pensioners who re-  
(cont.)

**Ireland—Constabulary Pensioners—cont.**

tired before the month of August 1874, and to report thereon" (*Mr. Meldon*) June 27, 570; after short debate, Question put; A. 3, N. 75; M. 72

**Ireland—National Education**

Moved, "That there be laid before the House, Copies of all Correspondence between the Lords of Her Majesty's Treasury and the Lord Lieutenant of Ireland with the Commissioners of National Education on the subject of the withdrawal of the commission allowed to teachers of National Schools in Ireland on the purchase of books and requisites in the years 1874 and 1875; also for a Return of the amount of commission allowed in each of the years 1873-4, 1874-5, and 1875-6" (*The Viscount Gough*) June 26, 392; after short debate, Motion withdrawn:—Then

Return of the amount of commission allowed to teachers of national schools in Ireland on the purchase of books and requisites in each of the years 1873-74, 1874-75, and 1875-76; Ordered (*The Viscount Gough*)

**Ireland—Royal Irish Academy**

Moved, "That there be laid before the House, Copies of all public official correspondence, commencing 8th February 1876, between the Irish Government, the Treasury, the Science and Art Department, the Royal Dublin Society, and the Royal Irish Academy on the subject of the proposed establishment of a Science and Art Museum in Liverpool" (*The Lord O'Hagan*) June 27, 489; after short debate, Motion agreed to

Question, Mr. Sullivan; Answer, Viscount Sandon July 24, 1808

**ISAAC, Mr. S., Nottingham**

Elementary Education, Comm. cl. 4, 1293; cl. 19, Amendt. 1498

**Isle of Man (Officers) Bill**

(*Sir Henry Selwin-Ibbetson, Mr. Secretary Cross*)

a. Ordered; read 1<sup>o</sup> \* June 29 [Bill 215]

Read 2<sup>o</sup> \* July 6

Committee \*—B.F. July 7

Committee \*—B.F. July 10

Committee \*; Report July 11

Read 3<sup>o</sup> \* July 13

l. Read 1<sup>o</sup> \* (*The Marquess of Salisbury*) July 14

Read 2<sup>o</sup> \* July 27 (No. 174)

**Italy—Case of Mr. William Mercer**

Question, Sir William Stirling Maxwell; Answer, Mr. Bourke July 10, 1172

**JACKSON, Sir H. M., Coventry**

Appellate Jurisdiction, Comm. cl. 3, 1160

Elementary Education, Comm. add. cl. Motion for reporting Progress, 1875, 1719

Medical Act Amendment (Foreign Universities), 2R. 1019

Prisons, 2R. 906

**Jamaica—Mr. P. A. Smith, District Judge**

Question, Mr. Richard; Answer, Mr. J. Lowther July 20, 1622

**JAMES, Sir H., Taunton**

Appellate Jurisdiction, Comm. 982; cl. 6, 1161, 1162

Navy—Captain Sullivan, Res. 1327

Turkish Debt—Loan of 1854, Res. 1759

**JAMES, Mr. W. H., Gateshead**

Elementary Education, Comm. add. cl. 1840

**JENKINS, Mr. D. J., Penryn, &c.**

Administration of the Navy—Motion for a Royal Commission, 456

Navy—H.M.S. "Thunderer"—Explosion, 1525

**JENKINS, Mr. E., Dundee**

Army—Captain Roberts, 94th Regiment, 9

Crossed Cheques, Comm. cl. 6, Motion for Adjournment, 1516

Elementary Education, Comm. 1207; add. cl. 1894, 1895, 2005

Intoxicating Liquors (Scotland), 2R. 1386

Poor Law Amendment (Scotland), 1049

Turkey—Eastern Question, 873, 874, 875;

Motion for Adjournment, 876, 882;—Papers, 1174;—Official Declaration, 1813, 1814

Washington, Treaty of—Canadian Fishery Commission, 257

**JERSEY, Earl of**

Local Government Board's Provisional Orders Confirmation (Birmingham, &c.), Comm. 1520

**JOHNSTON, Mr. W., Belfast**

Jurors Qualification (Ireland), Comm. Schedule<sup>1</sup>, 273

National School Teachers (Ireland)—Michael Moyna, Case of, 421

**JOHNSTONE, Sir H., Scarborough**

Contagious Diseases Acts Repeal, 2R. 1556, 1615

Intoxicating Liquors (Scotland), 2R. 1875

**Juries Procedure (Ireland) Bill**

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

a. Committee \* (on re-comm.); Report July 20  
Committee \*; Report July 27 [Bills 176-261]

**Jurors Qualification (Ireland) Bill**

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

a. Committee—B.F. June 20, 141 [Bill 127]

Committee; Report June 22, 268

Considered; read 3<sup>o</sup>, after short debate June 23, 338

l. Read 1<sup>o</sup> \* (*The Lord Steward*) June 23 (No. 140)

Read 2<sup>o</sup> \* June 26

Committee \*; Report June 27

Read 3<sup>o</sup> \* June 29

Royal Assent June 30 [39 & 40 Vict. c. 21]

**Jurors Remuneration Bill**

(*Mr. Henry B. Sheridan, Mr. Whitwell, Mr. Macdonald, Mr. Joseph Cowen*)

c. Ordered; read 1<sup>o</sup> \* July 12 [Bill 246]

**KAVANAGH, Mr. A. M., Carlow Co.**

Irish Parliament, Motion for a Select Committee, 772

Land Tenure (Ireland), 2R. 643

**KAY-SHUTTLEWORTH, Mr. U. J., Hastings**

Elementary Education, 2R. 16; Comm. cl. 4, 1294; cl. 14, Amendt. 1451; cl. 20, Amendt. 1498

Metropolitan Board of Works—Returns, 852

**KENEALY, Dr. E. V., Stoke-upon-Trent**

Turkey—Eastern Question, 882

**KENNAWAY, Sir J. H., Devon, E.**

China, Res. 569

Elementary Education, Comm. add. cl. 1840

Prisons, 2R. 895

Slave Trade—Sultan of Zanzibar, 249

**KIMBERLEY, Earl of**

Commons, 2R. 1036; Comm. cl. 8, 1428; Amendt. 1429

Cruelty to Animals, Comm. cl. 3, 108, 118, 119, 120

Fiji, Motion for Papers, 1690, 1691

Malay Peninsula, Res. 842

Poor Law Amendment, Comm. add. cl. 1472

Saint Vincent, Tobago, and Grenada Constitution, 2R. 1039

United States—Extradition, Address for Correspondence, 1794

**Kingstown Harbour Bill**

(*The Lord President*)

l. Read 2<sup>o</sup> \* June 20 (No. 103)

Committee \* June 22

Report \* June 23

Read 3<sup>o</sup> \* June 26

Royal Assent July 13 [39 & 40 Vict. c. 95]

**KIRK, Mr. G. H., Louth**

Irish Parliament, Motion for a Select Committee, 782

Sale of Intoxicating Liquors on Sunday (Ireland (No. 2), 2R. 1346

**KNATCHBULL-HUGESSEN, Right Hon. E.**

H., Sandwich

Criminal Law Evidence Amendment, 2R. Bill withdrawn, 1934

Elementary Education, Comm. add. cl. 1704, 1896, 1906

Parliament—Public Business, 1912

**KNOWLES, Mr. T., Wigan**

Elementary Education, 2R. 48; Comm. cl. 1294; cl. 6, Amendt. 1400, 1403, 14

cl. 33, 1511

**Landlord and Tenant (Ireland) Act Amendment Bill**

(*Mr. Crawford, Mr. Richard Smyth, Mr. Thomas Dickson, Mr. Macartney*)

c. 2R.; after short debate, Debate adjourned June 21, 224

Bill withdrawn \* July 5

[Bill 40]

**Land Tenure (Ireland) Bill** [Bill 10]

(*Dr. Ward, Mr. Butt, Mr. Richard Smyth, Mr. Meldon, Mr. Ennis*)

c. Order read, for resuming Adjourned Debate on Amendment proposed to Question [29th March], "That the Bill be now read 2<sup>o</sup>:" Debate resumed June 29, 634; after long debate, Question put; A. 56, N. 290; M. 234

Division List, A. and N. 713

Words added; main Question, as amended, put, and agreed to; 2R. put off for six months

**LANSDOWNE, Marquess of**

Cruelty to Animals, Comm. 105; cl. 3, 118

**LAW, Right Hon. H., Londonderry Co.**

Jurors Qualification (Ireland), Comm. Schedule 1, 144, 269, 271, 272

Land Tenure (Ireland), 2R. 624

Supreme Court of Judicature (Ireland), Comm. 350, 364

**LAW AND JUSTICE****MISCELLANEOUS QUESTIONS**

*Judicature Act, 1873—The Official Referees—Fees*, Question, Mr. Gregory; Answer, The Attorney General July 24, 1817

**Judicature Acts, The**

*Cave v. Mackenzie*, Observations, Question, Lord Selborne; Reply, The Lord Chancellor July 27, 1951

*Issues of Fact in Chancery*, Questions, Mr. Osborne Morgan, Mr. Marten; Answers, The Attorney General July 24, 1813

*The Judges on Circuit*, Question, Sir William Harcourt; Answer, Mr. Ascheton Cross July 27, 1967

*The Irish Judicial Bench—Mr. Serjeant Armstrong*, Question, Mr. Callan; Answer, Sir Michael Hicks-Beach July 7, 1140; July 10, 1175

*The Yorkshire Magistracy*, Question, Mr. Hopwood; Answer, Mr. Ascheton Cross July 6, 1044

**Law Courts, The New—The Architect's Commission**

Question, Mr. Mellor; Answer, Lord Henry Lennox July 4, 948

LAWSON, Sir W., *Carlisle*

Fiji Islands—Disturbances, 1174

Parliament—Public Business, Arrangement of, 1639

LEATHAM, Mr. E. A., *Huddersfield*

Real Estate Intestacy, 2R. 577

LEEMAN, Mr. G., *York*

Commons, Consid. 132

LEFEVRE, Mr. G. J. Shaw, *Reading*

Commons, Consid. 131, 132, 134, 136; Amendt. 137

Coroners, Res. 1309

Elementary Education, Comm. add. cl. Amendt. 1909, 1977

Navy Estimates—Dockyards, &c. 469

Legal Practitioners Bill

(*Mr. Charley, Mr. William Gordon*)

c. 2R. [House counted out] July 21, 1764 [Bill 43]

Legal Practitioners (Ireland) Bill

(*Mr. Gibson, Mr. Downing*)

c. Read 2<sup>o</sup> \* July 5 [Bill 142]

Committee \*; Report July 10

Read 3<sup>o</sup> \* July 12

l. Read 1<sup>o</sup> \* (*Viscount Hutchinson*) July 13

Read 2<sup>o</sup> \* July 17 (No. 170)

Committee \* July 24

Report \* July 25

Read 3<sup>o</sup> \* July 27

LEGARD, Sir C., *Scarborough*

Contagious Diseases Acts Repeal, 2R. 1573

LEIGHTON, Mr. S., *Shropshire, N.*

Elementary Education, Comm. add. cl. 1711

Prisons, 2R. 904

LEITRIM, Earl of

Church Temporalities (Ireland), Motion for a Return, 611

LENNOX, Right Hon. Lord H. G. C. G.

(First Commissioner of Works),  
*Chichester*

Army—Volunteer Review in Hyde Park, 501, 622

Edinburgh Improvement, 2R. 243

Law Courts, New—Architect's Commission, 948

Lisbon Tramways Company—Twycross v.

Grant, Personal Explanation, 1481

Metropolis—Miscellaneous Questions

Hyde Park Corner, 858

Hyde Park—The Serpentine—Bathing, 855

National Gallery, 857;—Turner Pictures, 618

LEWIS, Sir J., *Monaghan*

Metropolis—National Gallery, 856, 857

LEWIS, Mr. C. E., *Londonderry*

Appellate Jurisdiction, Comm. 1158

Constabulary Pensioners (Ireland), Motion for a Select Committee, 572

Parliament—Public Business, Arrangement of, 8

LEWIS, Mr. H. O., *Carlton*

Army Mobilization—Monaghan Militia, 1969

LIFFORD, Viscount

Notices to Quit (Ireland), 2R. Amendt. 1695

LIMERICK, Earl of

Owners of Land (Ireland)—New "Domesday Book," 944

Union of Benefices, Comm. 938

Limited Owners Residence (Ireland) Bill

(*Sir Patrick O'Brien, Sir Arthur Guinness,*

*Mr. Herbert, Mr. Gibson*)

c. Ordered; read 1<sup>o</sup> \* June 26 [Bill 210]

Bill withdrawn \* July 24

LINDSAY, Lord, *Wigan*

Scotland—Ayr, Fatal Fire in, 419

Linen and Hempen and other Manufactures (Ireland) Bill

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. Ordered; read 1<sup>o</sup> \* June 29 [Bill 216]

Bill withdrawn \* July 29

Lisbon Tramways Company—Twycross v. Grant

Personal Explanation, Lord Henry Lennox; short debate thereon July 17, 1481

LLOYD, Mr. M., *Baumaris*

Appellate Jurisdiction, Comm. 984, 1145; cl. 6, 1162

Poor Law Amendment, Consid. Amendt. 490; Amendt. 481

LLOYD, Mr. S. S., *Plymouth*

Burial Grounds, 2R. Bill withdrawn, 1924

Elementary Education, Comm. 1286; cl. 26, 1503; add. cl. 2008

Navy—Royal Marine Light Infantry, 1391

Navy Estimates—Dockyards, &c. 471

Noxious Vapours—A Royal Commission, 1523

Local Government Board's Provisional Orders Confirmation (Artizans and Labourers Dwellings) Bill [H.L.]

(*The Lord President*)

l. Presented; read 1<sup>o</sup> \*, and referred to the Examiners June 19 (No. 127)

Read 2<sup>o</sup> \* June 26

Committee \* July 13

Report \* July 14

Read 3<sup>o</sup> \* July 17

c. Read 1<sup>o</sup> \* (*Mr. Sal*) July 20 [Bill 260]

Read 2<sup>o</sup> \* July 24

**Local Government Board's Provisional Orders Confirmation (Bath, &c.) Bill**  
[H.L.] (*The Earl of Jersey*)

- l. Presented; read 1<sup>st</sup>, and referred to the  
Examiners *June 19* (No. 126)  
Read 2<sup>nd</sup> *June 26*  
Committee *July 17*  
Report *July 18*  
Read 3<sup>rd</sup> *July 20*  
c. Read 1<sup>st</sup> (*Mr. Salt*) *July 21* [Bill 264]  
Read 2<sup>nd</sup> *July 26*

**Local Government Board's Provisional Orders Confirmation (Bilbrough, &c.) Bill**  
[H.L.] (*The Earl of Jersey*)

- l. Presented; read 1<sup>st</sup>, and referred to the  
Examiners *June 22* (No. 137)  
Read 2<sup>nd</sup> *June 26*  
Committee *July 17*  
Report *July 18*  
Read 3<sup>rd</sup> *July 20*  
c. Read 1<sup>st</sup> (*Mr. Salt*) *July 24* [Bill 265]  
Read 2<sup>nd</sup> *July 27*

**Local Government Board's Provisional Orders Confirmation (Bingley, &c.) Bill**  
[H.L.] (*The Earl of Jersey*)

- l. Presented; read 1<sup>st</sup>, and referred to the  
Examiners *June 22* (No. 136)  
Read 2<sup>nd</sup> *June 26*  
Committee *July 10*  
Report *July 11*  
Read 3<sup>rd</sup> *July 13*  
c. Read 1<sup>st</sup> (*Mr. Salt*) *July 18* [Bill 255]  
Read 2<sup>nd</sup> *July 20*

**Local Government Board's Provisional Orders Confirmation (Birmingham, &c.) Bill**  
[H.L.] (*The Earl of Jersey*)

- l. Read 2<sup>nd</sup> *June 20* (No. 111)  
Committee, after short debate *July 18, 1519*  
Report *July 20, 1618*  
Read 3<sup>rd</sup> *July 21*  
c. Read 1<sup>st</sup> (*Mr. Salt*) *July 24* [Bill 266]  
Read 2<sup>nd</sup> *July 27*

**Local Government Board's Provisional Orders Confirmation (Carnarvon, &c.) Bill**  
[H.L.] (*The Earl of Jersey*)

- l. Read 2<sup>nd</sup> *June 20* (No. 105)  
Committee; Report *June 29*  
Read 3<sup>rd</sup> *July 4*  
c. Read 1<sup>st</sup> (*Mr. Salt*) *July 5* [Bill 239]  
Read 2<sup>nd</sup> *July 10*  
Committee; Report *July 18*  
Read 3<sup>rd</sup> *July 20*  
l. Royal Assent *July 24* [39 & 40 Vict. c. clxi]

**Local Government Board's Provisional Orders Confirmation (Chelmsford, &c.) Bill**  
[H.L.] (*The Earl of Jersey*)

- l. Read 2<sup>nd</sup> *June 20* (No. 110)  
Committee *July 13*  
Report *July 14*  
Read 3<sup>rd</sup> *July 17*  
c. Read 1<sup>st</sup> (*Mr. Salt*) *July 18* [Bill 256]  
Read 2<sup>nd</sup> *July 20*

**Local Government in Towns (Ireland) Bill**  
(*Mr. Bruen, Sir Arthur Guinness, Mr. Corry, Mr. Mulholland, Mr. Kavanagh*)

- c. Bill withdrawn *July 19* [Bill 52]

**Local Government Provisional Orders, Aberavon, &c. (No. 7) Bill**  
(*The Earl of Jersey*)

- l. Read 2<sup>nd</sup> *June 22* (No. 108)  
Committee; Report *June 26*  
Read 3<sup>rd</sup> *June 27*  
Royal Assent *June 30* [39 & 40 Vict. c. 87]

**Local Government Provisional Orders, Bristol, &c. (No. 6) Bill**  
(*Mr. Salt, Mr. Selater-Booth*)

- c. Read 3<sup>rd</sup> *June 19* [Bill 147]  
l. Read 1<sup>st</sup> (*The Earl of Jersey*), and referred to the  
Examiners *June 20* (No. 129)  
Read 2<sup>nd</sup> *June 26*  
Committee; Report *July 10*  
Read 3<sup>rd</sup> *July 11*  
Royal Assent *July 13* [39 & 40 Vict. c. 97]

**Local Light Dues (Reduction) Bill**

- (*Mr. Sykes, Mr. Norwood, Mr. Wilson*)  
c. Read 3<sup>rd</sup> *June 21* [Bill 173]  
l. Read 1<sup>st</sup> (*Earl Werncliffe*) *June 22* (No. 132)  
Read 2<sup>nd</sup> *June 29*  
Committee; Report *July 10*  
Read 3<sup>rd</sup> *July 11*  
Royal Assent *July 13* [39 & 40 Vict. c. 27]

**Local Loans (Ireland) Bill**

- (*Sir Michael Hicks-Beach, Mr. Solicitor General*  
for Ireland)  
c. Resolution [June 29] reported, and agreed to:  
Bill ordered *June 30*  
Read 1<sup>st</sup> *July 4* [Bill 231]

**Local Taxation—Queenborough**

- Question, General Sir George Balfour; Answer, Mr. Selater-Booth *July 13, 1397*

**LOCKE, Mr. J., Southwark**

- Channel Islands—Jersey—Orders in Council, 5, 428, 1622  
Metropolis—Thames Embankment—High Tides, 1393

**LONDON, Bishop of**

- Confession, Motion for a Paper, 1687

**LOPES, Sir M., Devonshire, S.**

- Navy Estimates—Dockyards, &c. 471  
Scientific Departments, 458  
Prisons, 2R. 286, 929

**LOPES, Mr. H. C., Frome**

- Appellate Jurisdiction, Comm. 1147; cl. 1,  
Motion for reporting Progress, 1189

**LOWE, Right Hon. R., London University**

- Elementary Education, Comm. add. at 1242, 1243  
India Covenanted Civil Servants

LOWE, Right Hon. R.—*cont.*

Parliament—Public Business, Arrangement of, 1836  
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LOWTHER, Mr. J. (Under Secretary of State for the Colonies), *York City*

Barbadoes—The Riots, 1281, 1811  
Canada, Dominion of—British Columbia, 871  
China—Blockade Question, 503  
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Jamaica—Mr. P. A. Smith, District Judge, 1622  
United States—Indian War, 1697  
West Indies—St. Vincent, Island of, 1170

LUBBOCK, Sir J., *Maidstone*

Bankers Books Evidence, *Consid.* 937  
Elementary Education, 2R. 51 ; *Comm. cl.* 6, 1404 ; *cl.* 7, 1413, 1414 ; *cl.* 11, 1446 ; *add. cl.* 1999  
Seal Fisheries Act, 1875—Close Time, 1480

*Lunatics, Committal and Treatment of*

Observations, Mr. Dillwyn July 7, 1146 ; [House counted out]

LUSH, Dr. J. A., *Salisbury*

Coroners, *Res.* 1314  
Elementary Education, *Comm. cl.* 26, 1503  
Medical Act Amendment (Foreign Universities), 2R. 1009  
Poor Law Amendment, *Consid.* 504

LUSK, Sir A., *Finsbury*

Appellate Jurisdiction, *Comm.* 1158  
Elementary Education, *Comm. add. cl.* 1865  
Poor Law Amendment, *Consid.* 504

MCARTHUR, Mr. A., *Leicester*

Elementary Education, *Comm.* 1222 ; *add. cl.* 2018  
Merchant Shipping Acts—Steamer "Marie," 1629

MCARTHUR, Mr. Alderman W., *Lambeth*

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MACARTNEY, Mr. J. W. E., *Tyrone*

Constabulary Pensioners (Ireland), Motion for a Select Committee, 571  
Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1351  
Supreme Court of Judicature (Ireland), *Comm.* 356

MACCARTHY, Mr. J. G., *Mallow*

Elementary Education, *Comm. cl.* 5, 1301

MACDONALD, Mr. A., *Stafford*

Coal Mines—Birley Explosion, 1279  
Elementary Education, 2R. 64 ; *Comm. cl.* 7, 1417

MACDONALD, Mr. A.—*cont.*

Inland Revenue Department—Extra Pay, 1390  
Pollution of Rivers, 2R. 1877  
Railway Companies—Servants, Dismissal of, 336  
Railway Passenger Duty, 1474

MAC IVER, Mr. D., *Birkenhead*

Merchant Shipping Act, 1871—"Leader," The Schooner, 855

McKENNA, Sir J. N., *Youghal*

Admiralty Jurisdiction (Ireland) — Lords Amends. Motion for Adjournment, 1272  
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Blackwater Fishery (Ireland), *Res.* 1332  
Clerks of the Peace (Ireland), 851  
Jurors Qualification (Ireland), *Comm. Schedule* 1, 145, 269, 271  
Turkish Debt—Loan of 1854, *Res.* 1757

McLAGAN, Mr. P., *Linlithgowshire*

Banns of Marriage (Scotland), 2R. 218  
Elementary Education, *Comm. cl.* 11, 1446 ; *add. cl.* 1911  
Pollution of Rivers, 2R. 1878

McLAREN, Mr. D., *Edinburgh*

Banns of Marriage (Scotland), 2R. 217  
Ecclesiastical Assessments (Scotland), 1048, 1049, 1481  
Edinburgh Improvement, 2R. 242  
Intoxicating Liquors (Scotland), 2R. 1379  
Sheriff Courts (Scotland), 1623  
Supreme Court of Judicature (Ireland), *Comm.* 360  
Valuation of Property (Metropolis) Act (1869) Amendment, 2R. Bill withdrawn, 1940

MAITLAND, Mr. J., *Kirkcudbrightshire*

Banns of Marriage (Scotland), 2R. 211  
University of Cambridge, 2R. 1107

MAKINS, Lieut.-Colonel W. T., *Essex, S.*

Increase of the Episcopate, 2R. 1026

*Malta, The Fortifications of*

Question, Observations, Earl De La Warr ;  
Reply, Earl Cadogan June 27, 487

MANNERS, Right Hon. Lord J. J. R. (Postmaster General), *Leicestershire, N.*

Post Office—Miscellaneous Questions  
Cape of Good Hope Mail Contract, 1173  
House of Commons, 1395  
Letter Carriers' Uniform, 246  
Mails to the United States, 1398  
Provincial Continental Messages, 736  
West India Home Mails, 1819

Maritime Contracts Bill

(Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. Attorney General)

c. Bill withdrawn\* July 6

[Bill 667]



**MARLBOROUGH, Duke of**  
Commons, Comm. cl. 21, 1431

**MARTEN, Mr. A. G., Cambridge**  
Appellate Jurisdiction, Comm. cl. 3, Amendt.  
1159  
Elementary Education, Comm. add. cl. 1841  
Intoxicating Liquors (Scotland), 2R. Amendt.  
1376  
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1816  
University of Cambridge, 2R. 1095

**MARTIN, Mr. P. W., Rochester**  
India—Oude, Ex-King of—Debts, 620

**Master and Servant Laws — Employers  
Liability for Injuries to their Servants**  
Select Committee appointed "to inquire whether it may be expedient to render masters liable for injuries occasioned to their servants by the negligent acts of certificated managers of collieries, managers, foremen, and others to whom the general control and superintendence of workshops and works is committed, and whether the term 'common employment' could be defined by legislative enactment more clearly than it is by the law as it at present stands" (*Mr. Secretary Cross*)  
June 22; List of the Committee, 314

**MAXWELL, Sir W. STIRLING- Porth-  
shire**  
Italy—William Mercer, Case of, 1172

### Medical Act Amendment (Foreign Universities) Bill

(*Mr. Couper-Temple, Mr. Russell Gurney, Dr. Cameron, Mr. Forsyth*)

- c. Moved, "That the Bill be now read 2<sup>o</sup>"  
July 5, 996  
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Wheelhouse*);  
Question proposed, "That 'now,' &c.;" after debate, Amendt. and Motion withdrawn; Bill withdrawn [Bill 36]

### Medical Act (Qualifications) Bill

(*Mr. Russell Gurney, Mr. John Bright*)

- c. Read 2<sup>o</sup> \* June 26 [Bill 170]  
Committee \* July 3, debate adjourned  
Committee \*—R.F. July 4  
Committee \*—R.F. July 10  
Committee \*; Report July 13  
Considered \* July 14  
Read 3<sup>o</sup> \* July 18  
l. Read 1<sup>o</sup> \* (*The Earl of Shaftesbury*) July 20  
Read 2<sup>o</sup> \* July 25, 1881 (No. 184)  
Committee \*; Report July 27

### Medical Practitioners Bill

(*Mr. Gibson, Dr. Cameron, Mr. Mulholland, Dr. Ward*)

- c. Read 2<sup>o</sup> \* June 26 [Bill 81]  
Committee \*; Report June 29  
Considered \* June 30  
Read 3<sup>o</sup> \* July 5

### Medical Practitioners Bill—cont.

- l. Read 1<sup>o</sup> \* (*Viscount Hutchinson*) July 6  
Read 2<sup>o</sup> \* July 13 (No. 157)  
Committee \* July 17  
Report \* July 20  
Read 3<sup>o</sup> \* July 21

### MELDON, Mr. C. H., Kildare

Constabulary Pensioners (Ireland), Motion for a Select Committee, 570, 572  
Crab and Lobster Fisheries (Norfolk), 429  
National Board of Education (Ireland)—Inspectors' Reports, 615  
Supreme Court of Judicature (Ireland), Comm. 348, 363, 365

**MELLOR, Mr. T. W., Ashton-under-Lyne**  
Elementary Education, Comm. cl. 8, 1529  
Law Courts, New—Architect's Commission, 948

### Mercantile Marine

*The "Strathmore,"* Question, Admiral Egerton; Answer, Sir Charles Adderley June 22, 243

### Mercantile Marine Hospital Service Bill (*Captain Pim, Mr. Wheelhouse*)

- c. Bill withdrawn \* July 26 [Bill 76]

### Merchant Shipping Acts

#### MISCELLANEOUS QUESTIONS

*Merchant Seamen Deserters,* Question, Mr. Biggar; Answer, Sir Charles Adderley June 26, 422  
*Merchant Shipping Act, 1871—The Schooner "Leader,"* Question, Mr. Mac Iver; Answer, Sir Charles Adderley July 3, 855  
*Merchant Shipping Acts, 1875-1876 — Surveyors,* Question, Mr. O'Leary; Answer, Sir Charles Adderley July 4, 947  
*Ships Surgeons,* Question, Captain Pim; Answer, Sir Charles Adderley July 27, 1963  
*The "Skerryvore,"* Question, Mr. Plimsoll; Answer, Sir Charles Adderley June 22, 244  
*The Steamer "Marie,"* Question, Mr. A. M'Arthur; Answer, Sir Charles Adderley July 20, 1629  
*The "Strathclyde" Collision—The Tug "Palmerston,"* Question, Sir William Bagge; Answer, Sir Charles Adderley June 23, 336

### Merchant Shipping Bill

(*The Lord President*)

- l. Read 2<sup>o</sup>, after debate June 23, 317 (No. 99)  
Committee July 7, 1130  
Report July 14, 1432 (No. 160)  
Read 3<sup>o</sup> \* July 21 (No. 177)

### METROPOLIS

#### MISCELLANEOUS QUESTIONS

*British Museum, The—Salaries,* Question, Sir H. Drummond Wolff; Answer, The Chancellor of the Exchequer July 3, 858  
*Hyde Park—The Serpentine—Bathing,* Question, Mr. Sotherton-Estcourt; Answer, Lord Henry Lennox July 3, 855

[cont.]

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**METROPOLIS—cont.**

*Hyde Park Corner*, Question, Mr. Cawley ; Answer, Lord Henry Lennox July 3, 857  
*Indian and Colonial Museum*, Questions, Mr. Fawcett ; Answers, Lord George Hamilton June 22, 256 ; June 29, 617 ; July 13, 1398  
*Paving, Cleansing, and Lighting*, Question, Mr. Baillie Cochrane ; Answer, Sir James Hogg June 26, 423  
*The National Gallery*, Question, Sir John Leslie ; Answer, Lord Henry Lennox July 3, 856 ; — *The Turner Pictures*, Question, Lord Francis Hervey ; Answer, Lord Henry Lennox June 29, 618

**Metropolis Gas (Surrey Side) Bill**

(*Sir Charles Adderley, Mr. Edward Stanhope*)

c. Ordered ; read 1<sup>o</sup> \* June 21 [Bill 204]  
 Read 2<sup>o</sup> \*, and committed to a Select Committee of Five Members, Three to be nominated by the House, and Two to be nominated by the Committee of Selection July 12  
 Ordered, That all Petitions presented against the Bill be referred to the Select Committee on the Bill, provided such Petitions are presented one clear day before the meeting of the Committee ; and that such of the Petitioners as pray to be heard, by themselves, their Counsel, or Agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions :—That the Committee have power to send for persons, papers, and records :—That three be the quorum (*Sir Charles Adderley*)  
 Committee nominated July 17, as follows :—  
 Mr. Garnier, Mr. Goulding, Mr. Stevenson  
 And, on July 27, Mr. Goulding *disch.*, Mr. Onslow *added*

**Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation Bill [H.L.]** (*The Lord Steward*)

l. Read 2<sup>o</sup> \* June 22 (No. 120)  
 Committee ; Report, after short debate July 4, 940  
 Read 3<sup>a</sup>, after short debate July 6, 1040  
 c. Read 1<sup>o</sup> \* July 7 [Bill 241]  
 Read 2<sup>o</sup> \* July 10  
 Committee \* ; Report July 18  
 Considered \* July 20  
 Read 3<sup>o</sup> \* July 21

**Metropolitan Board of Works**

*Returns*, Question, Mr. Kay-Shuttleworth ; Answer, Sir James Hogg July 3, 852  
*The Thames Embankment*, Question, Mr. W. Gordon ; Answer, Sir James Hogg July 6, 1042 ; — *High Tides*, Question, Mr. Locke ; Answer, Sir James Hogg July 13, 1393

**Metropolitan Board of Works (Loans) Bill** (*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

c. Ordered \* July 13  
 Read 1<sup>o</sup> \* July 14 [Bill 251]  
 Read 2<sup>o</sup> \* July 20  
 Committee \* ; Report July 21  
 Read 3<sup>o</sup> \* July 24  
 l. Read 1<sup>o</sup> \* (*Lord President*) July 25 (No. 190)

**Metropolitan Commons (Barnes) Bill [H.L.]**  
 (*The Lord Steward*)

l. Read 2<sup>o</sup> \* June 22 (No. 119)  
 Committee \* ; Report June 30  
 Read 3<sup>a</sup> \* July 3  
 c. Read 1<sup>o</sup> \* (*Sir H. Selwin-Ibbetson*) July 6  
 Read 2<sup>o</sup> \* July 10 [Bill 234]  
 Committee \* ; Report July 18  
 Read 3<sup>o</sup> \* July 20  
 l. Royal Assent July 24 [39 & 40 Vict. c. clvi]

**Metropolitan Fire Brigade—Fire at Chelsea**

Question, Mr. Bass ; Answer, Mr. Assheton  
 Cross July 20, 1625

**Metropolitan Police—Helmets**

Question, Sir Eardley Wilmot ; Answer, Mr. Assheton Cross July 24, 1819

**MIDDLETON, Viscount**

Commons, 2R. 1037

**MILLS, Mr. A., *Exeter***

Elementary Education, Comm. cl. 5, 1300 ;  
 cl. 6, 1408 ; cl. 14, 1453 ; *add. cl.* 1538,  
 1651, 1665, 1707, 1834

**MONK, Mr. C. J., *Gloucester City***

Inland Revenue—Out-door Excise Establishments, 422

**MONTAGU, Right Hon. Lord R., *Westmeath***

Elementary Education, Comm. cl. 4, 1289,  
 1293 ; Amendt. 1296, 1297 ; cl. 5, 1299 ;  
 cl. 6, 1405, 1409 ; cl. 14, 1453 ; cl. 20, 1499 ;  
 cl. 26, 1505 ; *add. cl.* 1663, 1706, 1909  
 Parliament — Public Petitions — Grants of  
 Money, 248

**MONTGOMERY, Sir G. G., *Peeblesshire***  
 Poor Law (Scotland), Comm. 522

**MOORE, Mr. A. J., *Clonmel***

Cattle Disease (Ireland)—Pleuro-Pneumonia—  
 Compulsory Slaughter, 253  
 Intemperance, Motion for a Select Committee,  
 721  
 Irish Church—Sale of Ecclesiastical Edifices,  
 1973  
 Land Tenure (Ireland), 2R. 713  
 Navy Estimates—Dockyards, &c. 469

**MORGAN, Mr. G. Osborne, *Denbighshire***

Appellate Jurisdiction, Comm. 1149 ; cl. 3,  
 1159 ; cl. 6, 1161, 1162  
 Burial Grounds, 2R. Bill withdrawn, Amendt  
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 Elementary Education, Comm. *add. cl.* Motion  
 for reporting Progress, 1875  
 Judicature Acts—Issues of Fact in Chancery,  
 1816  
 Real Estate Intestacy, 2R. 594

**MORLEY, Earl of**

Commons, Comm. cl. 8, 1423, 1430

**MORLEY, Mr. S., Bristol**

Elementary Education, Comm. 1232; cl. 11, 1419; add. cl. 1902

**MORRIS, Mr. G., Galway**

Land Tenure (Ireland), 2R. 673

**MOWBRAY, Right Hon. J. R., Oxford University**

University of Cambridge, 2R. 1118, 1119, 1121

**MULHOLLAND, Mr. J., Downpatrick**

Irish Parliament, Motion for a Select Committee, 797

**MUNDELLA, Mr. A. J., Sheffield**

Contagious Diseases Acts Repeal, 2R. 1594  
Education Department—Keynsham British School, 246

Elementary Education, 2R. 41, 100; Comm. 1244, 1247; cl. 4, 1289; cl. 6, Amendt. 1399, 1404; Amendt. 1408, 1409; cl. 11, 1419, 1445; cl. 16, 1497; cl. 20, 1501; cl. 26, 1504; cl. 33, 1511; cl. 34, 1512; add. cl. 1664, 1665, 1666, 1667; Motion for reporting Progress, 1726, 1837, 1900, 1901, 1904, 1905

Turkey—Alleged Atrocities in Bulgaria, 1184

**MUNTZ, Mr. P. H., Birmingham**

Elementary Education, Comm. 1283, 1286; cl. 11, 1446, 1447; cl. 14, 1466; cl. 16, 1497; cl. 26, 1505; add. cl. 1542, 1666, 1902, 2007

Post Office—West India Home Mails, 1819

Prisons, 2R. 903

Santa Fé—Bullion, Seizure of, 1046

Valuation of Property (Metropolis) Act (1869) Amendment, 2R. Bill withdrawn, 1940

**MURE, Colonel W., Renfrew**

Intoxicating Liquors (Scotland), 2R. 1384, 1385  
Pollution of Rivers, 2R. 1878

**MURPHY, Mr. N. D., Cork City**

Cattle Disease (Ireland), Comm. cl. 5, 1678

Prisons (Ireland), 1964

Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1351

**NAGHTEN, Mr. A. R., Winchester**

Army—Auxiliary Forces—Militia Adjutants, 1621

Parliament—Privilege—Lords Lieutenant, 854

**NAPIER AND ETTRICK, Lord**

Turkey—Berlin Memorandum, 404

**NAVY**

**MISCELLANEOUS QUESTIONS**

*Good Conduct Badges*, Questions, Sir Frederick Perkins; Answer, Mr. A. Egerton July 6, 1044

*H.M.S. "Raleigh,"* Question, Mr. Anderson; Answer, Mr. Hunt June 22, 257

*H.M.S. "Thunderer"*—The Recent Explosion, Questions, Mr. D. Jenkins, Mr. J. R.

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*Yorke*; Answers, Mr. Hunt July 18, 1835; Questions, Captain Pim, Mr. Anderson; Answers, Mr. Hunt, Mr. Assheton Cross July 25, 1887; Questions, Mr. Anderson, Mr. Goschen; Answers, Mr. Assheton Cross, Mr. Hunt July 27, 1971

*H.M.S. "Vanguard,"* Question, Dr. Cameron; Answer, Mr. Hunt July 3, 870; Question, Captain Pim; Answer, Mr. Hunt July 17, 1478;—*The Return*, Question, Captain Pim; Answer, Mr. Hunt June 23, 337

*Naval Surgeons—Sir Gilbert Bland's Bequest*, Question, Mr. Errington; Answer, Mr. A. Egerton July 6, 1043

*Navy Meat*, Question, Mr. Plimsoll; Answer, Mr. Hunt June 22, 244

*Royal Marine Light Infantry*, Question, Mr. Sampson Lloyd; Answer, Mr. Hunt July 13, 1891

*Tenders for Shipbuilding*, Question, Colonel Beresford; Answer, Mr. Hunt July 10, 1177

*The Arctic Expedition—The Admiralty Instructions*, Question, Captain Pim; Answer, Mr. Hunt June 26, 422

*The Mediterranean Squadron*, Question, Sir Charles W. Dilke; Answer, Mr. Hunt July 24, 1819

*The "Mistletoe" Collision—Further Inquiry*, Question, Mr. Anderson; Answer, Mr. Assheton Cross June 26, 428

*The Royal Naval Reserve*, Question, Captain Pim; Answer, Mr. Hunt July 27, 1964

*Training Ships (Ireland)*, Question, Major O'Gorman; Answer, Mr. A. Egerton July 6, 1049

**Navy—Administration of the Navy**

Amendt. on Committee of Supply June 26, To leave out from "That," and add "considering the present administration of the Admiralty is practically that introduced and adopted by this House in 1833, on the recommendation of Sir James Graham; and, considering the advance made in Naval armaments and the unsatisfactory condition of the personnel and matériel of Her Majesty's Navy, it is desirable that a Royal Commission be appointed to inquire and report whether the present system under which the Navy is administered is the most efficient and economical, and what improvements or amendments, if any, it would be desirable should be introduced" (*Captain Pim*) v., 433; after debate, Question, "That the words, &c." put, and agreed to

**Navy—Captain Sullivan**

Moved, "That, in the opinion of this House, Captain Sullivan should not have been removed from the command of one of Her Majesty's ships for any alleged error, shortcoming, or neglect of duty, without having been given an opportunity, if he desired it, of explaining or defending his conduct before a competent court" (*Mr. Ashley*) July 11, 1314; after debate, Question put; A. 91. N. 103; M. 12  
Question, Mr. Anderson; Answer, Mr. Hunt July 13, 1397

### *Navy—Punishment of Flogging*

Moved, "That, in the opinion of this House, the time has arrived when the punishment of Flogging in the Navy should be abolished" (*Mr. P. A. Taylor*) June 20, 147

Amendt. to leave out from "House," and add "corporal punishment in the Navy having been abolished in 1871 for all offences which do not require prompt and immediate punishment, and being only now retained for the case of mutiny and for offences which may imperil the safety of the ship on the high seas, it is inexpedient to take further steps for the total abolition of the punishment" (*Mr. Hanbury-Tracy*) v.; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Main Question put; A. 62, N. 120; M. 58

### NELSON, Earl

Gas Light and Coke Company, Comm. 1950

### NEWDEGATE, Mr. C. N., *Warwickshire, N.*

Elementary Education, Comm. cl. 6, 1404; add. cl. 1659, 1997, 2019

Parliament—Order—Balloting for Motions, Motion for Adjournment, 14

Public Business, Arrangement of, 1637

Pollution of Rivers, 2R. 1878

Prisons, 2R. 313, 934

### *New Forest, The—Legislation*

Question, Lord Henry Scott; Answer, Mr. W. H. Smith July 27, 1973

### NEWPORT, Viscount, *Shropshire, N.*

Army—Auxiliary Forces—The Yeomanry, 851

### NOEL, Mr. E., *Dumfries, &c.*

Banns of Marriage (Scotland), 2R. 214

Elementary Education, Comm. cl. 11, 1446;

add. cl. 1665, 1707; Amendt. 1902, 1999

### NOLAN, Captain J. P., *Galway Co.*

Ardglass Harbour Improvement, Comm. 1763

Army—Mobilization Scheme, The New, 366, 367

Cattle Disease (Ireland), Consid. 2022

China, Res. 569

Crossed Cheques, Comm. cl. 6, Motion for reporting Progress, 1516

Elementary Education, 2R. 100; Comm. cl. 5, 1298; add. cl. 1911

Erne Lough and River, Comm. 1764

Irish Church Body—Emly Cathedral Church, 1884, 1885

Irish Parliament, Motion for a Select Committee, 778

Jurors Qualification (Ireland), Comm. Schedule 1, 144, 146; Schedule 4, 147

Navy—Flogging, Punishment of, Res. 170

Parliament—Leitrim County Election—Captain O'Beirne, Motion for Adjournment, 180, 183, 264

Public Business, Arrangement of, 1640

### NORTHBROOK, Earl of

Slave Trade, 2R. 734; Comm. cl. 1, 849

NORTHCOTE, Right Hon. Sir S. H.  
(see Chancellor of the Exchequer)

### NORTHUMBERLAND, Duke of

Commons, Comm. cl. 8, Amendt. 1427, 1429; Amendt. 1430; cl. 19, Amendt. id.

### Norwich and Boston (Suspension of Writ, &c.) Bill

(*Mr. Attorney General, Mr. Solicitor General for Ireland*)

c. Ordered; read 1<sup>o</sup> July 10 [Bill 244]

### NORWOOD, Mr. C. M., *Kingston-upon-Hull*

Prisons, 2R. 300

### Notices to Quit (Ireland) Bill

(*Sir Colman O'Loughlen, Mr. Downing, Mr. Patrick Martin*)

c. Committee\* (on re-comm.); Report July 3 [Bills 160-226]

Committee\*; Report July 6

Read 3<sup>o</sup> July 7

l. Read 1<sup>o</sup>\* (*Lord O'Hagan*) July 10 (No. 165)

Moved, "That the Bill be now read 2<sup>o</sup>" July 21, 1894

Amendt. to leave out ("now.") and add at the end of the Motion ("this day three months") (*The Lord Lifford*); after short debate, on Question, That ("now.") &c.; resolved in the affirmative; Bill read 2<sup>o</sup>

Committee\* July 25 (No. 188)

### Noxious Vapours—A Royal Commission

Question, Mr. Sampson Lloyd; Answer, Mr. Assheton Cross July 18, 1623

### Nullum Tempus (Ireland) Bill

(*Sir Colman O'Loughlen, Mr. Meldon*)

c. Committee\*; Report July 10 [Bill 167]

Considered\* July 11

Read 3<sup>o</sup>\* July 13

l. Read 1<sup>o</sup>\* (*Lord O'Hagan*) July 13 (No. 171)

Read 2<sup>o</sup>\* July 20

Committee\*; Report July 25

Read 3<sup>o</sup>\* July 27

### O'CLERY, Mr. K., *Wexford Co.*

Army—Mobilization—Wexford Militia, 1817

### O'CONOR DON, The, *Roscommon Co.*

Cattle Disease (Ireland), Comm. cl. 5, 1678

Elementary Education, 2R. 44; Comm. cl. 5, Amendt. 1300; cl. 6, Amendt. 1411; cl. 14, 1453; cl. 34, 1513, 1514; add. cl. 1533, 1540, 1669, 1880, 1903

Jurors Qualification (Ireland), Comm. Schedule 1, 146, 271

Land Tenure (Ireland), 2R. 674

Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1334

**O'DONOGHUE, The, *Tralee***

Ireland—Thurles Coronership, 247  
Jurors Qualification (Ireland), Comm. Schedule 1, 271, 273  
Parliament—Public Business, Arrangement of, 1636

**Offences against the Person Bill**

(*Mr. Charley, Mr. Whitwell*)

c. Committee \*—R.F. June 20 [Bill 1]

**O'GORMAN, Major P., *Waterford***

Criminal Law—Tichborne Case—Arthur Orton, 248  
Elementary Education, 2R. 100  
Irish Parliament, Motion for a Select Committee, 809  
Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1366  
Training Ships (Ireland), 1049

**O'HAGAN, Lord**

Notices to Quit (Ireland), 2R. 1694  
Royal Irish Academy, Motion for Correspondence, 489

**O'LEARY, Dr. W. H., *Drogheda***

Army—Senior Surgeons Major, 1048  
Medical Act Amendment (Foreign Universities), 2R. 1020  
Merchant Shipping Acts, 1875 and 1876—Surveyors, 947  
Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1357, 1364

**O'LOGHLEN, Right Hon. Sir C. M., *Clare Co.***

Appellate Jurisdiction, Comm. cl. 3, 1159; cl. 5, Amendt. 1160  
Civil Bill Courts (Ireland), 2R. 535  
Jurors Qualification (Ireland), Comm. cl. 3, 142; Schedule 1, 143  
Parliament—Leitrim County Election—Captain O'Beirne, 180  
Registry of Deeds (Ireland)—Mr. Dillon's System, 1045  
Supreme Court of Judicature (Ireland), Comm. 364

**ONSLow, Mr. D. R., *Guildford***

Bankers Books Evidence, Consid. Motion for Adjournment, 937  
Elementary Education, Comm. cl. 6, 1401; cl. 11, 1445; cl. 28, Amendt. 1507; cl. 33, Amendt. 1510; Postponed cl. 8, Amendt. 1528, 1530; add. cl. 1663  
Intemperance—A Joint Committee, 1042

**ORANMORE AND BROWNE, Lord**

Confession, Motion for a Paper, 1681

**O'REILLY, Mr. M. W., *Longford Co.***

Constabulary Pensioners (Ireland), Motion for a Select Committee, 571  
Education (Ireland)—Results Examination, 868  
Land Tenure (Ireland), 2R. 651  
Orphan and Deserted Children (Ireland), 2R. 995  
Turkey—Insurgent Provinces, 500

**Orphan and Deserted Children (Ireland)**

Bill (*Mr. O'Shaughnessy, Mr. O'Reilly, Mr. Bruen, Mr. Redmond*)

c. Read 2<sup>o</sup>, after short debate July 5, 1886 [Bill 32]  
Committee \*; Report July 12  
Considered \* July 13  
Read 3<sup>o</sup> \* July 14  
l. Read 1<sup>o</sup> \* (*Lord Emly*) July 17 (No. 180)  
Read 2<sup>o</sup> \* July 21  
Committee \*; Report July 25  
Read 3<sup>o</sup> \* July 27

**O'SHAUGHNESSY, Mr. R., *Limerick***

Ardglass Harbour Improvement, Comm. 1763  
Cattle Disease (Ireland), Consid. 2022  
Crab and Lobster Fisheries, 1967  
Fisheries (Ireland)—Trawling Vessels in Galway Bay, 1171  
Inspectors of Irish Fisheries—Annual Reports, 1966  
Orphan and Deserted Children (Ireland), 2R. 986  
Poor Law—Deportation of Female Paupers, 613  
Supreme Court of Judicature (Ireland), Comm. 349

**O'SULLIVAN, Mr. W. H., *Limerick Co.***

Irish Parliament, Motion for a Select Committee, 819  
Orphan and Deserted Children (Ireland), 2R. 995  
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**Oyster and Mussel Fisheries Order Confirmation Bill [H.L.]**

c. Read 2<sup>o</sup> \* June 19 [Bill 196]  
Committee \*; Report June 29  
Read 3<sup>o</sup> \* June 30  
l. Royal Assent July 13 [39 & 40 Vict. c. 91]

**PAGET, Mr. R. H., *Somersetshire, Mid***

Elementary Education, Comm. 1242; cl. 5, 1298; Amendt. 1300; cl. 20, 1499; Postponed cl. 8, 1529  
Prisons, 2R. 314

**Paris, Declaration of, 1856**

Resolution, Mr. Percy Wyndham July 14, 1457 [House pointed out]  
Resolutions, Observations, The Earl of Denbigh; Reply, The Earl of Derby; short debate thereon July 17, 1457

**Parliament****COMMONS—**

Adjournment, Moved, "That this House do now adjourn" (*Sir Michael Hicks-Beach*) July 13; Question put; A. 68, N. 11; M. 57

**Public Business**

Arrangement of Business, Questions, Mr. Charles Lewis, Mr. Serjeant Simoes, Mr. Walter Barttelot; Answers, Mr. Disraeli June 19, 8; Questions, Mr. W. E. Forster

PARLIAMENT—COMMONS—cont.

Mr. Beresford Hope, Lord Edmond Fitzmaurice; Answers, Mr. Disraeli June 20, 129; Observations, The Chancellor of the Exchequer June 23, 385; Question, Observations, The Marquess of Hartington; Reply, Mr. Disraeli June 26, 429; Questions, Mr. W. E. Forster, Mr. Serjeant Simon, Mr. J. G. Hubbard, Mr. Newdegate, Mr. Morgan Lloyd, General Sir George Balfour; Answers, Mr. Disraeli, Mr. W. H. Smith June 29, 621; Observations, The Marquess of Hartington; Reply, Mr. Disraeli; debate thereon July 20, 1831; Observations, The Chancellor of the Exchequer; short debate thereon July 26, 1912; Observations, Question, Mr. Goschen; Reply, Mr. Disraeli July 27, 1974

Order

*Balloting for Motions*, Observations, Mr. Anderson; Reply, Mr. Speaker June 19, 11 Moved, "That the House do now adjourn" (Mr. Newdegate); after short debate, Motion withdrawn

*Priority for Motions*, Question, Mr. Ritchie; Answers, Mr. Percy Wyndham, Mr. Speaker June 22, 259

*Private Bills—Solicitation of Votes*, Explanation, Sir Edward Watkin; short debate thereon July 3, 860

Privilege

*Leitrim County Election—Captain O'Beirne*, Question, Observations, Captain Nolan June 21, 179

Moved, "That the House do now adjourn" (Captain Nolan); after short debate, Motion withdrawn

Observations, Mr. Gathorne Hardy, Captain Nolan June 22, 261

*Public Petitions—Grants of Money*, Question, Lord Robert Montagu; Answer, Sir Charles Forster June 22, 248

*Lords Lieutenant*, Question, Colonel Naghten; Answer, The Attorney General July 3, 854

*Private Bill Legislation*, Question, Sir Edward Watkin; Answer, Mr. Disraeli July 7, 1135

Parliament—Exclusion of Strangers

Observations, Mr. Mitchell Henry July 19, 1552

Moved, "That this House do now adjourn" (Mr. Mitchell Henry); after short debate, Notice taken, that Strangers are present (Mr. Callan)

Mr. Speaker forthwith put the Question, "That Strangers be ordered to withdraw;" and it passed in the Negative; original Motion withdrawn

PARLIAMENT—HOUSE OF LORDS

Sat First

July 13—The Earl Howe, after the death of his Brother

July 25—The Lord Hylton, after the death of his Father

PARLIAMENT—HOUSE OF COMMONS

New Writs Issued

June 22—For Birmingham, v. George Dixon, esquire, Chiltern Hundreds

June 29—For Worcester County (Western Division), v. William Edward Dowdeswell, esquire, Chiltern Hundreds

July 3—For Leitrim County, v. Major William Richard Ormsby Gore, now Baron Harlech, called up to the House of Peers

July 7—For Chester County (Mid Division), v. Egerton Leigh, esquire, deceased.

July 17—For Kent County (Eastern Division), v. Sir Wyndham Knatchbull, baronet, Chiltern Hundreds

July 25—For New Shoreham, v. Sir Percy Burrell, baronet, deceased

New Members Sworn

July 7—James Bevan Bowen, esquire, Pembroke County

July 10—Sir Edmund Anthony Harley Lechmere, baronet, Worcester County (Western Division)

July 13—Joseph Chamberlain, esquire, Birmingham

July 19—Piers Egerton Warburton, esquire, Chester County (Mid Division)

July 21—François O'Beirne, esquire, Leitrim County

Parliamentary Agents

i. Moved, "That a Select Committee be appointed to join with a Committee of the Commons to consider the expediency of making further regulations concerning the admission and practice of Parliamentary agents, and to report their opinion thereon" (*The Lord Redesdale*) June 23, 316; Motion agreed to; List of the Committee, 317

And a message sent to the Commons to acquaint them that this House has appointed a committee of five Lords to join with a committee of the Commons; and to request that the Commons will be pleased to appoint an equal number of members to be joined with the members of this House

c. Lords Message considered June 28, 573

Moved, "That a Select Committee of five Members be appointed to join with the Committee of five Lords (as mentioned in the Message from the Lords of the 23rd day of this instant June) to consider the expediency of making further regulations concerning the admission and practice of Parliamentary Agents, and to report their opinion thereon (*Mr. Raikes*); after short debate, Motion agreed to; List of the Committee, 574

i. Message from the Commons that they have appointed a Select Committee of five members to join with the Select Committee appointed by this House

Message to the Commons to propose that the Joint Committee do meet in the Chairman of Committees' Committee Room To-morrow, at Three o'clock June 29, 610

Report of the Select Committee considered July 24, 1767; after short debate, further consideration adjourned till Friday next

**Parliamentary and Municipal Registration Boroughs Bill***Mr. Alfred Murray, Mr. Furr, Mr. Birley, Mr. Dodds*

c. Committee\*: Report July 4 [Bills 103-229]

**Parliamentary Electors Registration Bill***Mr. Scott, Sir John Lubbock, Mr. Grantham*c. Read 2<sup>o</sup> July 29 [Bill 169]**PARNELL, Mr. C. S., *North***

Constabulary Pensioners (Ireland), Motion for a Select Committee, 573

Irish Parliament, Motion for a Select Committee, 583, 593

**Parochial Records Bill [H.L.]***(The Viscount Hutchinson)*c. Presented: read 1<sup>o</sup> July 27 (No. 194)**Partition Act (1863) Amendment Bill***(The Lord Selborne)*

c. Royal Assent, June 27 [39 &amp; 40 Vict. c. 17]

**Patents for Inventions Bill [H.L.]***(Mr. Attorney General)*

c. Bill withdrawn\* July 24 [Bill 137]

**PATSHALL, Mr. E., *Hereford***

Army—Pension Warrant, The, 256

**PEASE, Mr. J. W., *Durham, S.***

Elementary Education, Comm. 1285; c. 5, 1298; c. 6, 1411; c. 11, Motion for reporting Progress, 1419, 1445

Prisons, 2R. 314, 397

**PEEK, Sir H. W., *Surrey, Mid***

Post Office—House of Commons, 1395

Toll Bridges (River Thames), 1624

**PEEL, Right Hon. Sir R., *Tamworth***

Parliament—Order—Private Bills—Solicitation of Votes, Explanation, 864, 865

**PEEL, Mr. A. W., *Warwick Bo.***

Orphan and Deserted Children (Ireland), 2R. 991

**PELL, Mr. A., *Leicestershire, S.***

Elementary Education, Comm. cl. 5, 1298; c. 14, 1436; c. 23, Amendt. 1501; add. cl. 1530, 1666, 1670, 1829, 1821, 1897, 1902, 1991

Poor Law—Charlotte Hammond, Case of, 950

Poor Law—(Out-Door) Relief, Res. 1551

Poor Law Amendment, Consid. Amend'

**Pensions Commutation Acts Amendment Bill***(Mr. Raikes, Mr. Secretary Hardy, Mr. William Henry Smith)*

c. Resolution [June 30] reported, and agreed to Bill ordered\* July 3

Read 1<sup>o</sup>\* July 4

[Bill 230]

Read 2<sup>o</sup>\* July 6**PERKINS, Sir F., *Southampton***

Navy—Good Conduct Badges, 1044, 1045

**PETERBOROUGH, Bishop of**

Cruelty to Animals, Comm. cl. 3, 117

Intemperance, Motion for a Select Committee, 723

**Pier and Harbour Orders Confirmation (Aldborough, &c.) Bill***(Lord Elphinstone)*

c. Royal Assent June 27 [39 &amp; 40 Vict. c. 40]

**PIM, Captain B., *Gravesend***

Administration of the Navy, Motion for a Royal Commission, 432, 437, 440

Merchant Shipping Acts—Ships Surgeons, 1903

Navy—Miscellaneous Questions

Arctic Expedition—Admiralty Instructions, 422

H.M.S. "Thunderer," 1887

H.M.S. "Vanguard"—The Return, 337, 338, 1478

Royal Naval Reserve, 1964

**PLAYFAIR, Right Hon. Mr. Lyon, *Edinburgh and St. Andrew's Universities***

Elementary Education, Comm. cl. 6, 1499;

cl. 14, 1455; add. cl. 1541, 1647, 1672, 1861, 1867, 1910

Medical Act Amendment (Foreign Universities), 2R. 1012

Pollution of Rivers, 2R. 1877

University of Cambridge, 2R. 1068

**PLIMSOLL, Mr. S., *Derby Bo.***

Merchant Shipping Acts—"Sherryvore," The, 244

Navy—Meat, 244

**PLUNKET, Hon. D. R. (Solicitor General for Ireland), *Dublin University***

Civil Bill Courts (Ireland), 2R. 535

Clerks of the Peace (Ireland), 852

Elementary Education, Comm. add. cl. 1902

Irish Church—Sale of Ecclesiastical Edifices, 1973

Land Tenure (Ireland), 2R. 664, 666, 707

Supreme Court of Judicature (Ireland), Comm. 346, 363, 365

**(Expenses) Act Continuance Bill***\* Henry Smith, Mr. Secretary Cross*

AC\* July 24

[Bill 265]

**PENNER, Mr. J., *Wick, &c.***

China—Blockade Question, 503

**Pollution of Rivers Bill***(Mr. Solater-Booth, Mr. Salt)*

- a. 2R., debate adjourned *June 23* [Bill 186]  
 Question, Mr. Ripley; Answer, Mr. Solater-Booth *July 11, 1872*  
 Order for Adjourned Debate read; Moved,  
 "That the Bill be now read 2<sup>d</sup>" *July 20, 1875*  
 Moved, "That the Debate be further adjourned"  
*(Sir Charles W. Dilke)*; after short debate,  
 Motion agreed to; Debate further adjourned  
 Adjourned Debate resumed *July 24, 1876*;  
 after short debate, Moved, "That the Debate  
 be now adjourned" *(Mr. Dillwyn)*; Motion  
 withdrawn  
 Question put, and agreed to; Bill read 2<sup>d</sup>  
 Committee\*; Report *July 26*

**Poor Law****MISCELLANEOUS QUESTIONS**

- Deportation of Female Paupers*, Question, Mr.  
 O'Shaughnessy; Answer, Mr. Solater-Booth  
*June 29, 613*  
*Ireland—South Dublin Workhouse*, Question,  
 Dr. Ward; Answer, Sir Michael Hicks-  
 Beach *July 24, 1812*  
*Metropolis—Case of Charlotte Hammond*,  
 Question, Mr. Pell; Answer, Mr. Solater-  
 Booth *July 4, 950*; Question, Mr. J. G.  
 Talbot; Answer, Mr. Solater-Booth *July 20,*  
*1828*  
*Out-Door Relief*, Resolution, Mr. Pell *July 18,*  
*1851* [House counted out]

**Poor Law Amendment Bill***(Mr. Solater-Booth, Mr. Salt)*

- a. Considered *June 26, 477*; after debate, De-  
 bate adjourned [Bill 190]  
 Considered *June 27, 503*  
 Read 3<sup>d</sup>\* *June 28*  
 l. Read 1<sup>st</sup>\* *(The Duke of Richmond and Gordon)*  
*June 29* (No. 150)  
 Read 2<sup>d</sup>, after short debate *July 11, 1273*  
 Committee, after short debate *July 17, 1471*  
 Report\* *July 20* (No. 181)  
 Read 3<sup>d</sup>\* *July 21*

**Poor Law Guardians Elections (Ireland) Bill***(Mr. Callan, Sir Colman O'Loughlin, Mr. Maurice Brooks, Mr. Downing)*

- a. Bill withdrawn\* *July 20* [Bill 88]

**Poor Law Rating (Ireland) Bill***(Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland)*

- a. Committee\*; Report *July 24* [Bill 156]  
 Considered\* *July 27*

**Poor Law (Scotland) Bill***(The Lord Advocate, Mr. Secretary Cross)*

- a. Order for Committee (on re-comm.) read;  
 Moved, "That Mr. Speaker do now leave the  
 Chair" *June 27, 504*  
 Amendt. to leave out from "That," and add  
 "this House will, upon this day three months,  
 resolve itself into the said Committee" *(Mr.*  
*Baxter) v.*; Question proposed, "That the  
 words, &c.;" after long debate, Moved,  
 [cont.]

**Poor Law (Scotland) Bill—cont.**

- "That the Debate be now adjourned" *(Mr.*  
*D. Cameron)*; Motion agreed to; Debate  
 adjourned  
 Question, Mr. E. Jenkins; Answer, Mr. Assheton  
 Cross *July 6, 1049*  
 Bill withdrawn\* *July 24* [Bill 179]

**PORTMAN, Viscount**

*Agricultural Holdings (England) Act (1875),*  
*Motion for a Return, 3*

**PORTSMOUTH, Earl of**

*Cruelty to Animals, Comm. cl. 3, 118; cl. 11,*  
*Amendt. 126, 127*

**POST OFFICE****MISCELLANEOUS QUESTIONS**

- Cape of Good Hope Mail Contract*, Question,  
 Mr Gourley; Answer, Lord John Manners  
*July 10, 1173*  
*House of Commons Post Office*, Question, Sir  
 Henry Peek; Answer, Lord John Manners  
*July 13, 1395*  
*Letter Carriers' Uniform*, Question, Mr. Barp;  
 Answer, Lord John Manners *June 22, 245*  
*Mails to the United States*, Question, Mr. Bax-  
 ter; Answer, Lord John Manners *July 13,*  
*1392*  
*Provincial Continental Messages*, Question,  
 Mr. Grieve; Answer, Lord John Manners  
*June 30, 736*  
*The West India Home Mails*, Question, Mr.  
 Muntz; Answer, Lord John Manners *July 24,*  
*1819*

**POTTER, Mr. T. B., Rochdale**

*Real Estate Intestacy, 2R. 574, 606*

**POWER, Mr. J. O'Connor, Mayo**

- Criminal Law—Fenian Prisoners, The Escaped,*  
*251*  
*Gibraltar—Aliens, 1434*  
*Irish Parliament, Motion for a Select Commit-*  
*tee, 767, 808*  
*Jurors Qualification (Ireland), Comm. [Sche-*  
*dule 1, 270*  
*Land Tenure (Ireland), 2R. 686*  
*Registry of Deeds Office (Ireland), 418*  
*Supreme Court of Judicature (Ireland), Comm.*  
*Motion for Adjournment, 364*

**POWER, Mr. R., Waterford**

- Ireland—Kilbarry Marsh, 5*  
*Irish Parliament, Motion for a Select Commit-*  
*tee, 786*

**POWIS, Earl of**

- Commons, Comm. cl. 21, 1431*  
*Poor Law Amendment, 2R. 1277*

**Prevention of Crimes Act Amendment Bill***(The Lord Steward)*

- l. Read 1<sup>st</sup>\* *June 19* (No. 125)  
 Read 2<sup>d</sup>, after short debate *June 27, 485*  
 Committee\*; Report *June 29*  
 Read 3<sup>d</sup>\* *June 30*  
 Royal Assent *July 13* [39 & 40 Vict. c. 23]



PRICE, Captain G. E., *Doverport*  
Navy—Flogging, Punishment of, Res. 169

PRICE, Mr. W. E., *Tewkesbury*  
Army—Retired Officers, 245  
Education—Canal Population, 859

### Prisons Bill

(*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson*)  
c. Moved, "That the Bill be now read 2°"  
June 22, 274

Amendt. to leave out from "That," and add  
"this House, whilst recognizing the necessity of measures being adopted to secure economy and efficiency in the management of Prisons, is of opinion that it would be inexpedient to transfer the control and management of Prisons from Local Authorities to the Secretary of State" (*Mr. Rylands*) v.; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. Alderman Cotton*); after further short debate, Motion agreed to; Debate adjourned

*Prison Chaplains*, Question, Mr. Anderson;  
Answer, Mr. Assheton Cross June 30, 737

Adjourned Debate resumed July 3, 886; after long debate, Moved, "That the Debate be now adjourned" (*Sir Thomas Chambers*); Question put; A. 122, N. 298; M. 176

Question again proposed, "That the words, &c.;" Moved, "That this House do now adjourn" (*Mr. Mitchell Henry*); Motion withdrawn; Question put, "That the words, &c.;" A. 295, N. 96; M. 199

Main Question put, and agreed to; Bill read 2° [Bill 180]

*Roman Catholic Chaplains*, Question, Mr. Whalley; Answer, Mr. Assheton Cross July 13, 1394

### Prisons (Ireland) Bill

Question, Mr. Murphy; Answer, Sir Michael Hicks-Beach July 27, 1964

### Prisons (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

c. Motion for Leave (*The Lord Advocate*) July 13, 1421; Motion agreed to; Bill ordered  
Read 1° July 14 [Bill 247]

### Protection to Growing Crops (Scotland)

Bill (*Sir Alexander Gordon, Sir Robert Anstruther, Viscount Macduff, Sir Windham Anstruther*)

c. 2R., debate adjourned July 5, 1028 [Bill 95]

### Provisional Orders (Ireland) Confirmation

Bill [H.L.] (*The Lord President*)

l. Committee \* June 23 (No. 67)

Report \* June 26

Read 3° \* June 27

c. Read 1° \* (*Sir Michael Hicks-Beach*) July 3 [Bill 220]

Read 2° \* July 6

Committee \*; Report July 17

Read 3° \* July 18

l. Royal Assent July 24 [39 &

### Provisional Orders (Ireland) Confirmation (Coleraine, &c.) Bill [H.L.]

(*The Lord Chancellor*)

l. Read 2° \* June 20 (No. 107)

Committee \* June 29

Report \* June 30

Read 3° \* July 3

c. Read 1° \* (*Sir Michael Hicks-Beach*) July 6 [Bill 240]

Read 2° \* July 10

Committee \*; Report July 18

Read 3° \* July 20

l. Royal Assent July 24 [39 & 40 Vict. c. clxii]

### Publicans Certificates (Scotland) Bill

(*The Earl Stanhope*)

l. Committee June 20, 102

Report \* June 26

Read 3° \* June 27

Royal Assent July 13 [39 & 40 Vict. c. 26]

### Public Health

*Vaccination Acts—Boards of Guardians*, Question, Sir Charles Forster; Answer, Mr. Solater-Booth July 4, 945;—*The Keighly Board of Guardians*, Question, Mr. Sergeant Simon; Answer, Mr. Solater-Booth July 1, 1139

*Case of Mr. Pearce*, Question, Mr. P. A. Taylor; Answer, Mr. Solater-Booth July 26, 1883

### Public Health (Ireland) Bill

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. Bill withdrawn \* July 24

[Bill 179]

### Public Health (Scotland) Provisional Order (Irvine and Dundonald) Bill [H.L.]

(*The Lord Steward*)

l. Read 2° \* June 20

(No. 116)

Committee \* June 29

Report \* June 30

Read 3° \* July 3

c. Read 1° \* (*The Lord Advocate*) July 6 [Bill 257]

Read 2° \* July 10

Committee \*; Report July 18

Read 3° \* July 20

l. Royal Assent July 24 [39 & 40 Vict. c. clx]

### Public Health (Scotland) Provisional Order (Wemyss) Bill

(*The Lord Steward*)

l. Read 2° \* June 22

(No. 100)

Committee \* June 26

Report \* June 27

Read 3° \* June 29

Royal Assent July 13 [39 & 40 Vict. c. 94]

### Public Record Office (Ireland) Bill

(*Mr. William Henry Smith, Mr. Attorney General*)

Ordered; read 1° \* July 20

[Bill 265]

2° \* July 24

**Public Records (Ireland) Amendment Bill**

(*Mr. Gibson, The Marquess of Hamilton, Mr. Kavanagh, Mr. Mulholland*)

a. Bill withdrawn \* July 27 [Bill 141]

**Public Works Loans Bill**

(*Mr. Raikes, Mr. William Henry Smith, Mr. Chancellor of the Exchequer, Mr. Selater-Booth*)

a. Resolutions [June 19] reported, and agreed to; Bill ordered; read 1<sup>o</sup> June 20 [Bill 202]

Read 2<sup>o</sup> \* June 27

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 4, 1851

Amendt. to leave out from "That," and add "in the opinion of this House, an unduly large proportion of the charge involved in the payment of the interest and capital of the loans which are raised by local authorities falls upon the occupiers, as distinguished from the owners, of land, houses, and other rateable property" (*Mr. Fawcett*) v.; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Main Question, "That Mr. Speaker, &c." put, and agreed to; Committee; Report

Committee \* (*on re-comm.*); Report July 6

Considered \* July 7 [Bill 228]

Committee \* (*on re-comm.*); Report; Considered; read 3<sup>o</sup> July 10

l. Read 1<sup>o</sup> \* (*The Lord President*) July 11 (No. 167)

Read 2<sup>o</sup> \* July 14

Committee \*; Report July 17

Read 3<sup>o</sup> \* July 18

Royal Assent July 24 [39 & 40 Vict. c. 31]

**Queen Anne's Bounty Bill [H.L.]**

(*The Lord Archbishop of Canterbury*)

l. Presented; read 1<sup>o</sup> \* June 23 (No. 141)

Read 2<sup>o</sup> \* July 21

Committee \*; Report July 24

Read 3<sup>o</sup> \* July 25

**RAIKES, Mr. H. C. (Chairman of Committees of Ways and Means), Chester**

Appellate Jurisdiction, Comm. cl. 1, 1159

Cattle Disease (Ireland), Comm. 1677

Edinburgh Improvement, 2R. 241

Elementary Education, Comm. 1285; cl. 6, 1400; cl. 11, 1447; add. cl. 1652, 1658, 1659, 1850, 1904, 2003, 2004

Jurors Qualification (Ireland), Comm. Schedule 1, 269

Parliamentary Agents—Lords Message, Motion for a Select Committee, 573

University of Cambridge, 2R. 1110

**Railway Companies—Dismissal of Servants**

Question, Mr. Macdonald; Answer, Sir Charles Adderley June 23, 336

**RAILLI, Mr. P., Bridport**

Egypt—Court of Summary Justice, 1698

**RAMSAY, Mr. J., Falkirk, &c.**

Agricultural Holdings (Scotland), 2R. Motion for Adjournment, 1126

Banns of Marriage (Scotland), 2R. 211

[cont.]

**RAMSAY, Mr. J.—cont.**

Burial Grounds, 2R. Bill withdrawn, 1923

Elementary Education, Comm. add. cl. 1725, 2017

Explosive Substances Act, 1875—Hamilton, Explosion at, 258

Private Lunatic Asylums (Scotland), 1134

**RATHBONE, Mr. W., Liverpool**

Elementary Education, Comm. cl. 8, 1530;

add. cl. 1538, 2007

Public Works Loans, Comm. 963

**RAYLEIGH, Lord**

Cruelty to Animals, Comm. cl. 3, Amendt. 109, 120

**READ, Mr. Clare S., Norfolk, S.**

Coroners, Res. 1308

Elementary Education, 2R. 54; Comm. cl. 4,

Amendt. 1290, 1292; cl. 5, 1298; cl. 7, 1417;

cl. 11, Amendt. 1418, 1420, 1444; Amendt.

1447; cl. 29, 1510; cl. 34, 1513; add. cl.

1902

Poor Law Amendment, Consid. 504

**Real Estate Intestacy Bill**

(*Mr. Potter, Mr. Leatham, Sir Wilfrid Lawson, Mr. Hopwood, Mr. William Edwin Price*)

c. Moved, "That the Bill be now read 2<sup>o</sup>" June 28, 574

Amendt. to leave out, "now," and add "upon this day three months" (*Mr. Gregory*); after debate, Question put, "That 'now,' &c.;" A. 175, N. 210; M. 35

Division List, A. and N. 606

Words added; main Question, as amended, put, and agreed to; 2R. put off for six months [Bill 31]

**REDESDALE, Lord (Chairman of Committees)**

Commons, 2R. 1037; Report, cl. 19, 1518

Gas Light and Coke Company, 2R. 229, 232;

Report, 1128; Comm. 1943

Local Government Board's Provisional Orders

Confirmation (Birmingham, &c.), Comm.

1519, 1522; Report, Amendt. 1618, 1620,

1767, 1768

Parliamentary Agency, Motion for a Joint Select Committee, 316

Poor Law Amendment, 2R. 1278

**REED, Mr. E. J., Pembroke**

Administration of the Navy, Motion for a Royal Commission, 436, 442

Army—Volunteer Review in Hyde Park, 501

Elementary Education, Comm. add. cl. 1895, 1904, 2016

Navy Estimates—Dockyards, &c. 468

Scientific Departments, 462

Steam Machinery, &c. 472, 473

**Registry of Deeds (Ireland) Bill**

(*Mr. William Henry Smith, Mr. Solicitor General for Ireland*)

c. Ordered; read 1<sup>o</sup> \* July 6 [Bill 235]

**RICHARD, Mr. H., *Merthyr Tydfil***

China, Res. 536  
 Elementary Education, 2R. 57; Comm.  
 Amendt.\* 1186; *cl.* 5, 1300; *cl.* 6, 1411;  
*cl.* 12, 1450; *add. cl.* 1897  
 Jamaica—Mr. P. A. Smith, District Judge,  
 1622  
 Poor Law Amendment, Consid. Amendt. 482

**RICHMOND AND GORDON, Duke of (Lord President of the Council)**

Agricultural Holdings (England) Act (1875),  
 Motion for a Return, 2  
 Church Temporalities (Ireland), Motion for a  
 Return, 611  
 Commons, 2R. 1029, 1039; Comm. *cl.* 8, 1428,  
 1429; *cl.* 19, 1430; *cl.* 20, 1431; Report,  
*cl.* 8, 1518; *cl.* 19, *ib.*; *cl.* 30, 1519  
 Cruelty to Animals, Comm. *cl.* 3, 120; *cl.* 11,  
 128  
 Endowed Schools Commissioners, Motion for  
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 Gas Light and Coke Company, 2R. 230; Re-  
 port, 1130  
 Gas Light and Coke Company—South Metro-  
 politan Gas Company, Motion for Returns,  
 612  
 Local Government Board's Provisional Orders  
 Confirmation (Birmingham, &c.), Comm. 1521  
 Merchant Shipping, 2R. 317; Comm. *cl.* 20,  
 1132; *cl.* 21, 1133; *cl.* 25, *ib.*; Report, *cl.* 4,  
 Amendt. 1433; *cl.* 24, Amendt. *ib.*  
 Metropolis (Whitechapel and Limehouse) Im-  
 provement Scheme Confirmation, Comm. 942;  
 8R. 1040  
 National Education (Ireland), Motion for Re-  
 turns, 394  
 Owners of Land (Ireland)—New "Domesday  
 Book," 944  
 Parliamentary Agency, Motion for a Joint  
 Select Committee, 317  
 Poor Law Amendment, 2R. 1273, 1278; Comm.  
*add. cl.* 1472, 1473  
 Publicans Certificates (Scotland), Comm. *cl.* 13,  
 104  
 Royal Irish Academy, Motion for Correspond-  
 ence, 493

**RIPLEY, Mr. H. W., *Bradford***

Pollution of Rivers, 1282; 2R. 1676

**RITCHIE, Mr. C. T., *Tower Hamlets***

China, Res. Motion for Adjournment, 569  
 Elementary Education, Comm. *cl.* 4, 1293;  
*cl.* 6, 1403; *add. cl.* 1645, 2003, 2016  
 Parliament—Order—Balloting for Motions, 13,  
 259

***Rivers Pollution Commission—The Report***

Question, Mr. A. Brown June 23, 384 [House  
 counted out]

**RODWELL, Mr. B. B. H., *Cambridge-  
shire***

Criminal Law—Thomas Hare, Case of—Cum-  
 ulative Penalties, 1137  
 Criminal Law Evidence Amendment, 2R.  
 Amendt. Bill withdrawn, 1927  
 Elementary Education, Comm. *cl.* 7, 1417;  
*cl.* 11, 1440; *cl.* 20, 1500; *cl.* 34, Amendt.  
 1511, 1513; *add. cl.* 2017  
 Prisons, 2R. 302

**ROEBUCK, Mr. J. A., *Sheffield***

Elementary Education, Comm. *add. cl.* 168  
 1662, 1723, 1891, 1904  
 Sale of Intoxicating Liquors on Sunday (In-  
 land) (No. 2), 2R. 1355

***Roumania—The New Tariff***

Question, Mr. Serjeant Spinks; Answer, M.  
 Bourke July 3, 852

**RYLANDS, Mr. P., *Burnley***

Army—Drill and Exercise in Hot Weather  
 1526  
 Crossed Cheques, Comm. *cl.* 4, 1515  
 Elementary Education, Comm. *cl.* 11, Motie  
 for reporting Progress, 1421; *cl.* 14, Motie  
 for reporting Progress, 1435; *cl.* 15, Amendt.  
 1495; *cl.* 16, 1496; Postponed *cl.* 8, 1529  
*add. cl.* 1652, 1853, 1892, 1909, 1911  
 Amendt. 2001  
 Navy Estimates—Dockyards, &c. Amendt. 46  
 Scientific Departments, Amendt. 456, 461  
 Prisons, 2R. Amendt. 274, 934, 936

**Saint Vincent, Tobago, and Grenada  
Constitution Bill [H.L.]**

(*The Earl of Carmarvon*)

1. Presented; read 1<sup>st</sup> July 3 (No. 186)  
 Read 2<sup>d</sup>, after short debate July 6, 1899  
 Committee\*; Report July 7  
 Read 3<sup>d</sup>\* July 10  
 c. Read 1<sup>st</sup>\* (*Mr. J. Lowther*) July 18 [Bill 257]  
 Read 2<sup>d</sup>\* July 24

**Sale of Coal Bill**

(*Mr. Gourley, Mr. Palmer, Mr. Hammond, Mr.  
 Dodds, Sir Henry Havelock, Mr. Ashbury*)

c. Bill withdrawn\* July 10 [Bill 137]

**Sale of Intoxicating Liquors on Sunday**

Bill (*Mr. Wilson, Mr. Birley, Mr. O'Connell,  
 Morgan, Mr. M'Arthur, Mr. James*)

c. Bill withdrawn\* June 29 [Bill 57]

**Sale of Intoxicating Liquors on Sunday  
(Ireland) (No. 2) Bill**

(*Mr. Richard Smyth, The O'Connor Don, Mr.  
 Charles Lewis, Mr. James Corry, Mr.  
 William Johnston, Mr. Dease, Mr. Thomas  
 Dickson, Mr. Redmond*)

c. Read 2<sup>d</sup>, after debate July 12, 1833 [Bill 194]  
 Question, Mr. R. Smyth; Answer, Sir Michael  
 Hicks-Beach July 18, 1524

**SALISBURY, Marquess of (Secretary of  
State for India)**

Gaslight and Coke Company, Comm. 1944,  
 1945

Intemperance, Motion for a Select Committee,  
 729

Languages (India)—Indian Civil Service, 166,  
 1469

Local Government Board's Provisional Orders  
 Confirmation (Birmingham, &c.), Comm. 1833

Metropolitan Gas Bills—Report, 1130

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**SALISBURY, Marquess of—cont.**

Owners of Land (Ireland)—New "Domesday Book," 944  
 Slave Trade, 1R. 236; 2R. 735; Comm. cl. 1, 849, 850; 3R. 943  
 Union of Benefices, Comm. cl. 18,938; cl. 32,939

*Salmon Fisheries Act*, 1861—*The Solway*  
 Question, Mr. Stafford Howard; Answer, Mr. Assheton Cross July 10, 1175

**Salmon Fisheries Bill**

(*Lord Winmarleigh*)

l. Royal Assent June 27 [39 & 40 Vict. c. 19]

**SAMUDA, Mr. J. D'A., *Tower Hamlets***  
 Navy Estimates—Dockyards, &c. 487  
 Steam Machinery, &c. 473

**SANDFORD, Mr. G. M. W., *Maldon***

Commons, Consid. Amendt. 134, 136  
 Elementary Education, Comm. cl. 4, Amendt. 1290; cl. 6, Amendt. 1410  
 Turkish Debt—Loan of 1854, Res. 1780

**SANDON, Right Hon. Viscount (Vice President of Committee of Council on Education), *Liverpool***

Education—Canal Population, 859  
 Government Inspectors and Secondary Schools, 1396  
 Education Department—Keynsham British School, 246  
 Elementary Education, 2R. 84; Comm. 1257, 1266, 1287; cl. 3, *ib.*, 1288; cl. 4, 1290, 1291; Amendt. 1293, 1295, 1296, 1297; cl. 5, Amendt. *ib.*, 1298, 1299, 1301; cl. 6, 1400, 1401, 1402, 1407, 1408, 1409, 1410, 1411, 1412; cl. 7, Amendt. 1413, 1414, 1415, 1416, 1417; Amendt. 1418; cl. 11, *ib.*, 1419, 1420, 1444, 1448; cl. 12, 1449, 1450; cl. 14, 1451, 1453; cl. 15, Amendt. 1496; cl. 16, *ib.*, 1497; cl. 17, 1498; cl. 19, *ib.*; cl. 20, 1499, 1500; cl. 23, 1502; cl. 26, *ib.*; cl. 28, 1507, 1508; cl. 29, 1509; cl. 33, 1510; cl. 34, 1512; Amendt. 1514; Postponed cl. 8, Amendt. 1523, 1529, 1530, 1531; cl. 9, *ib.*; cl. 10, Amendt. *ib.*; cl. 13, Amendt. 1532; add. cl. *ib.*, 1534, 1535, 1536, 1540, 1541, 1542, 1544, 1545; Motion for reporting Progress, 1548, 1610, 1648, 1659, 1662, 1663, 1664, 1666, 1672, 1675, 1701, 1702, 1705, 1714, 1716, 1718, 1823, 1875, 1876, 1893, 1901, 1903, 1904, 1906; Amendt. 1907, 1908, 1976, 1986, 2007, 2008, 2009, 2010  
 Elementary Education Act—Certificated Children—Clause 14, 1630  
 Elementary Education Act, 1870—Armley National School, 1528  
 Elementary Education Bill—The Amendments, 1142  
 Medical Act Amendment (Foreign Universities), 2R. 1015  
 National Museum and Institute of Science and Art for Ireland, 1809  
 Parliament—Elementary Education Provisional Order Confirmation (London) Bill, Explanation, 1178  
 United States—International Exhibition, Philadelphia—British Commission, 1479

**SANDWICH, Earl of**

Army—Militia, Paymasters in the, 847

**Savings Banks (Barrister) Bill**

(*Mr. William Henry Smith, Mr. Attorney General*)

c. Ordered; read 1<sup>o</sup> July 24 [Bill 269]  
 Read 2<sup>o</sup> July 27

**Science and Art**

*British Museum, The—Salaries*, Question, Sir H. Drummond Wolff; Answer, The Chancellor of the Exchequer July 3, 858  
*National Gallery*, Question, Sir John Leslie; Answer, Lord Henry Lennox July 3, 856;—*The Turner Pictures*, Question, Lord Francis Hervey; Answer, Lord Henry Lennox June 29, 618  
*The Transit of Venus*, Question, Mr. Childers; Answer, Mr. Hunt July 10, 1169

**SOLATER-BOTH, Right Hon. G. (President of the Local Government Board), *Hampshire, N.***

Elementary Education, Comm. add. cl. 1665  
 Local Taxation—Queenborough, 1397  
 Pollution of Rivers, 1282; 2R. 1675, 1879, 1880  
 Poor Law—Charlotte Hammond, Case of, 950, 1628  
 Deportation of Female Paupers, 614  
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 Public Works Loans, Comm. 951  
 Vaccination Acts—Miscellaneous Questions  
 Boards of Guardians, 945  
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 Valuation of Property (Metropolis) Act (1869) Amendment, 2R. Bill withdrawn, 1940

**SCOTLAND**

*Fatal Fire in Ayr*, Question, Lord Lindsay; Answer, Mr. Assheton Cross June 26, 419  
*Private Lunatic Asylums*, Question, Mr. Ramsay; Answer, The Lord Advocate July 7, 1134  
*Public Works Loan Commissioners—Road Trusts*, Question, Mr. Ellice; Answer, The Chancellor of the Exchequer July 3, 872

**SCOTT, Lord H. J. M. D., *Hampshire, S.***  
 Commons, Consid. 132; Amendt. 138  
 New Forest, 1973

**Sea and River Banks (Lincolnshire) Bill**  
 (*Mr. Chaplin, Mr. Turnor*)

c. Ordered; read 1<sup>o</sup> June 28 [Bill 213]  
 Read 2<sup>o</sup> July 6  
 Committee\*; Report July 10  
 Considered\* July 13

**Seal Fisheries Act, 1875—Close Time**

Question, Sir John Lubbock; Answer, Sir Charles Adderley July 17, 1480

**SELBORNE, Lord**

Judicature Acts—*Cave v. Mackenzie*, 1951  
 Merchant Shipping, 2R. 333  
 Owners of Land (Ireland)—New "Domesday Book," 944

**SELWIN-IBBETSON, Sir H. J. (Under Secretary of State for the Home Department), Essex, W.**

Convicted Children, Comm. 1028  
 Intoxicating Liquors (Scotland), 2R. 1382, 1385  
 Prisons, 2R. 311

**Settled Estates Act (1856) Amendment Bill**

(*Mr. Marten, Sir Henry Jackson, Mr. Gregory*)

- c. Read 2<sup>o</sup> June 22 [Bill 193]  
 Committee \*; Report June 26  
 Read 3<sup>o</sup> June 27  
 l. Read 1<sup>o</sup> (Lord Selborne) June 29 (No. 151)  
 Read 2<sup>o</sup> July 10  
 Committee \*; Report July 14  
 Read 3<sup>o</sup> July 17  
 Royal Assent July 24 [39 & 40 Vict. c. 30]

**SHAFTESBURY, Earl of**

Cruelty to Animals, Comm. cl. 3, 121; 3R. 486  
 Medical Act (Qualifications), 2R. 1881  
 Merchant Shipping, Comm. cl. 20, 1131  
 Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation, Comm. 940; 3R. 1041

**Sheriff Courts (Scotland) Bill**

Question, Mr. McLaren; Answer, The Lord Advocate July 20, 1923

**SHERLOCK, Mr. Serjeant D., King's Co.**

Orphan and Deserted Children (Ireland), 2R. 989  
 Supreme Court of Judicature (Ireland), Comm. 349

**SIMON, Mr. Serjeant J., Dewsbury**

Appellate Jurisdiction, Comm. 1157; cl. 6, Amendt. 1161; Amendt. 1162  
 Coroners, Res. 1306  
 Criminal Law Evidence Amendment, 2R. Bill withdrawn, 1928  
 Cuba—Foreigners, Tax on, 867  
 Parliament—Public Business, Arrangement of, 8, 621  
 Poor Law Amendment, Consid. Amendt. 477  
 Prisons, 2R. 314  
 Vaccination Acts—Keighley Board of Guardians, 1139

**SIMONDS, Mr. W. B., Winchester**

Army—Winchester Barracks, 249

**Slave Trade**

*Fugitive Slaves*—The Admiralty Circulars, Question, Mr. Forsyth; Answer, Mr. Hunt June 19, 6;—*The New Circular*, Question, Mr. W. Holms; Answer, Mr. Hunt July 27, 1962

**Slave Trade—cont.**

*Mozambique*, Question, Mr. W. Holms; Answer, Mr. Bourke June 20, 128  
*The Slave Trade in the Red Sea*, Question, Sir H. Drummond Wolff; Answer, Mr. Bourke July 3, 869; July 7, 1136; Questions, Sir H. Drummond Wolff; Answer, Mr. Bourke, Mr. Hunt July 24, 1815  
*The Sultan of Zanzibar*, Question, Sir John Kennaway; Answer, Mr. Bourke June 23, 249

**Slave Trade Bill**

(*The Marquess of Salisbury*)

- l. Presented; read 1<sup>o</sup>, after short debate June 22, 236 (No. 136)  
 Read 2<sup>o</sup>, after short debate June 30, 734  
 Committee; Report July 3, 848  
 Read 3<sup>o</sup>, after short debate July 4, 943  
 c. Read 1<sup>o</sup> July 24 [Bill 279]  
 Read 2<sup>o</sup> July 7

**Small Testate Estates (Scotland) Bill**

(*Earl of Airlie*)

- l. Read 2<sup>o</sup> June 27 (No. 115)  
 Committee \*; Report June 29  
 Read 3<sup>o</sup> July 4  
 Royal Assent July 13 [39 & 40 Vict. c. 24]

**SMITH, Mr. T. E., Tynemouth, &c.**

Contagious Diseases Acts Repeal, 2R. Amendt. 1566, 1616  
 Navy—Flogging, Punishment of, Res. 176  
 Parliament—Public Business, Arrangement of, 1640

**SMITH, Mr. W. H. (Secretary to the Treasury), Westminster**

Ardglass Harbour Improvement, Comm. 1763  
 Bankrupt Banks, 1844-1875—Defective Returns, 129  
 Bow Street Police Court (Site), 1625  
 Ceylon—Trincomalee, Breakwater at, 1050  
 Customs—Memorial of Officers, 251, 252  
 Elementary Education, 2R. 66; Comm. cl. 7, 1416; add. cl. 1540  
 Epping Forest—Forest Commissioners' Scheme, 1624  
 Erne Lough and River, Comm. 1764  
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 New Forest, 1973  
 Parliament—Elementary Education Provisional Order Confirmation (London) Bill, Explanation, 1179  
 Public Business, Arrangement of, 623  
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 St. Stephen's Green, Dublin, 613

**Smithfield Prison (Dublin) Bill**

(*The Lord President*)

- l. Read 2<sup>o</sup> June 20 (No. 117)  
 Committee \* June 22  
 Report \* June 23  
 Read 3<sup>o</sup> June 26  
 Royal Assent July 13 [39 & 40 Vict. c. 65]

**SMOLLETT, Mr. P. B.**

India—Madras Irrigation

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**SMYTH, Mr. P. J., *Westmeath Co.***  
Irish Parliament, Motion for a Select Committee, 751

**SMYTH, Mr. R., *Londonderry Co.***  
Constabulary Pensioners (Ireland), Motion for a Select Committee, 570  
Land Tenure (Ireland), 2R. 654  
Parliament—Public Business, Arrangement of, 1636  
Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1333, 1524

**SOMERSET, Duke of**  
Commons, 2R. 1035; Comm. cl. 8, 1428; cl. 20, Amendt. 1431  
Cruelty to Animals, Comm. cl. 3, 107, 108, 116, 121; cl. 11, Amendt. 127  
Local Government Board's Provisional Orders Confirmation (Birmingham, &c.), Comm. 1521; Report, 1620  
Merchant Shipping, 2R. 327; Comm. cl. 20, 1131; Report, cl. 4, Amendt. 1432  
Poor Law Amendment, Comm. 1275

**SOTHERON-ESTCOURT, Mr. G. B., *Wilts, N.***  
Hyde Park—The Serpentine—Bathing, 855

***South Metropolitan Gas Light and Coke Company Bill***  
1. Bill reported with Amendments; Observations, Lord Redesdale; short debate thereon July 7, 1128

***Spain***

*Cuba—Chinese Coolies*, Question, Sir Charles W. Dilke; Answer, Mr. Bourke June 29, 616; —*Tax on Foreigners*, Question, Mr. Serjeant Simon; Answer, Mr. Bourke July 3, 867  
*The Constitution, Article 11—Religious Toleration*, Question, Mr. Grant Duff; Answer, Mr. Bourke June 19, 6

**SPEAKER, The (Right Hon. H. B. W. BRAND), *Cambridgeshire***  
Administration of the Navy, Motion for a Royal Commission, 455, 456  
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Customs—Memorial of Officers, 252  
Elementary Education, 2R. 100  
Increase of the Episcopate, 2R. 1026  
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Irish Parliament, Motion for a Select Committee, 786  
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**SPEAKER, The—*cont.***

Toll Bridges (River Thames), Comm. 1679  
Turkey—Bulgaria, Atrocities in, 1183  
Eastern Question, 874, 876  
University of Cambridge, 2R. 1099, 1107

**SPINKS, Mr. Serjeant F. L., *Oldham***  
Elementary Education, Comm. cl. 3, 1288  
Roumania—New Tariff, 852

**STACPOOLE, Captain W., *Ennis***  
Army—Court Martial on Captain Roberts, 1961  
Veterinary Department, 1474

**STANHOPE, Mr. W. T. W. S., *Yorkshire, W.R.***  
Elementary Education, Comm. cl. 5, 1301  
Publicans Certificates (Scotland), Comm. cl. 13, 103

**STANLEY OF ALDERLEY, Lord**  
Gas Light and Coke Company, 2R. 232  
Languages (India)—Indian Civil Service, 1465  
Malay Peninsula, Res. 824, 846  
Slave Trade, 1R. 239; 2R. 735; Comm. cl. 1, Amendt. 848

**STANLEY, Hon. Captain F. A. (Financial Secretary for War) *Lancashire, N.***  
Army—Mobilization Scheme, The New, 373

**STANSFELD, Right Hon. J., *Halifax***  
Contagious Diseases Acts Repeal, 2R. 1580  
Medical Act Amendment (Foreign Universities), 2R. 1014  
Poor Law Amendment, Consid. 482

**Statute Law Revision (Substituted Enactments) Bill [H.L.]**

e. Read 3<sup>o</sup> June 19 [Bill 183]  
l. Royal Assent June 27 [39 & 40 Vict. c. 20]

**STEVENSON, Mr. J. C., *South Shields***  
Pollution of Rivers, 2R. 1878

**STEWART, Mr. M. J., *Wigton Bo.***  
China, Res. 558  
Elementary Education, Comm. cl. 7, 1417  
Intoxicating Liquors (Scotland), 2R. 1383  
Poor Law (Scotland), Comm. 513  
Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1350

**STORER, Mr. G., *Nottinghamshire, S.***  
Elementary Education, Comm. 1283; cl. 4, 1292; cl. 14, 1455; cl. 26, 1505; cl. 34, 1512; add. cl. 1849  
Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1344

***Sugar Convention, 1875—France***  
Question, Mr. Grieve; Answer, Mr. Bourke June 30, 737

**SULLIVAN, Mr. A. M., *Louth Co.***

Army Mobilization—Roman Catholic Militiamen, 1628  
 Education Board (Ireland)—The Staff, 950  
 Irish Parliament, Motion for a Select Committee, 815  
 National Museum and Institute of Science and Art for Ireland, 1808  
 Navy Estimates—Dockyards, &c. 470  
 Parliament—Leitrim County Election—Captain O'Beirne, 180, 181  
 Public Business, Arrangement of, 1638, 1639  
 Supreme Court of Judicature (Ireland), Comm. 357, 359

**Superannuation (Unhealthy Climates) Bill**  
*Formerly—***Civil Servants Superannuation (Unhealthy Climates) Bill**

(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

a. Ordered; read 1<sup>o</sup> *July 20* [Bill 263]  
 Read 2<sup>o</sup> *July 24*  
 Committee\*; Report *July 27*

**SUPPLY**

Considered in Committee *June 26*, 456—NAVY ESTIMATES—Resolutions reported *June 27*  
 Considered in Committee *June 30*, 822—CIVIL SERVICES (FURTHER VOTE ON ACCOUNT)—Resolution reported *July 3*

**Supreme Court of Judicature (Ireland) Bill [H.L.] (*Mr. Solicitor General for Ireland*)**

a. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *June 23*, 342

Amendt. to leave out from "That," and add "in the opinion of this House, it is desirable that in any Bill intended to constitute a Supreme Court of Judicature in Ireland the rules of procedure should be settled and defined in the Act constituting the Court, in the same manner and to the same extent as they have been in the Acts constituting the English Court" (*Mr. Butt*) v.; Question proposed, "That the words, &c.;" after long debate, Question put; A. 244, N. 76; M. 168

Main Question proposed, "That Mr. Speaker, &c.;" Moved, "That the Debate be now adjourned" (*Mr. O'Connor Power*); Question put; A. 6, N. 210; M. 204

Main Question again proposed, "That Mr. Speaker, &c.;" further Proceeding adjourned Proceeding resumed *June 26*, 483

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P.

[Bill 161]

**SWANSTON, Mr. A., *Bandon***

Jurors Qualification (Ireland), Comm. Schedule 1, 269  
 Parliament—Strangers, Exclusion of, 1554

**TALBOT DE MALAHIDE, Lord**

Irish Church Act—Irish National Monuments, 1767

**TALBOT, Mr. J. G., *Kent, W.***

Burial Grounds, 2R. Bill withdrawn, 1911, 1921, 1922, 1924  
 Elementary Education, Comm. cl. 6, 1440; cl. 11, 1446; Postponed cl. 8, 1530; add. 1544, 1546  
 Increase of the Episcopate, 2R. 1027  
 Parliament—Public Business, 1913  
 Poor Law (Metropolis)—Charlotte Hammett, Case of, 1628

**TAYLOR, Mr. P. A., *Leicester Bo.***

Navy—Flogging, Punishment of, Res. 147, 148, 177  
 Parliament—Strangers, Exclusion of, 1534  
 Public Health—Vaccination Act—Mr. Paine, Case of, 1883

**TEMPLE, Right Hon. W. F. COWPER, *Hants, S.***

Commons, Consid. 134; Amendt. 138  
 Elementary Education, Comm. 1238; add. d. 1996; Amendt. 2008, 2009  
 Epping Forest—Forest Commissioners' Scheme, 1624  
 Medical Act Amendment (Foreign Universities), 2R. 996, 1020

**TENNANT, Mr. R., *Leeds***

Factory and Workshop Acts, Res. 935  
 Pollution of Rivers, 2R. 1677

**THORNHILL, Mr. T., *Suffolk, W.***

Barbadoes—The Riots, 1281  
 Criminal Law—Jermyn Street, Outrage in, 1281

**Toll Bridges (River Thames) Bill**

(*Mr. Alderman McArthur, Sir James Clerk Lawrence, Mr. Forsyth, Sir Henry Peek, Sir Trevor Lawrence, Sir Charles Russell*)

a. Read 2<sup>o</sup>\*, and referred to a Select Committee *June 19* [Bill 219]

Ordered, That the Select Committee do consist of Eleven Members, Six to be nominated by the House, and Five by the Committee of Selection *June 22*; List of the Committee, 315  
 Report of Select Comm. *June 30* (No. 328)  
 Question, Sir Henry Peek; Answer, Mr. Disraeli *July 20*, 1624; Question, Mr. Fawcett; Answer, The Lord Mayor, 1628  
 Order for Committee (on re-comm.) read *July 20*, 1679; after short debate, Order discharged  
 Bill, as amended, referred to the Examiners of Petitions for Private Bills to inquire whether the Amendments involve any infraction of the Standing Orders of the House; leave given to the Examiner to sit and proceed forthwith

**TORR, Mr. J., *Liverpool***

Elementary Education, Comm. cl. 8, Amend. cl. 1536, 1539

**TRACT, HON. C. R. D. HANBURY-, Mont-  
gomery, &c.**  
Navy—Flogging, Punishment of, Res. Amendt.  
168  
Navy Estimates—Half Pay, &c. 475  
Miscellaneous Services, Amendt. 473

**Trade Marks Registration Amendment  
Bill [H.L.] (The Lord Chancellor)**

1. Read 3<sup>o</sup> June 20 (No. 121)  
Committee<sup>o</sup>; Report June 22  
Read 3<sup>o</sup> June 23  
2. Read 1<sup>o</sup> June 29 [Bill 217]  
Read 2<sup>o</sup> July 4  
Committee<sup>o</sup>; Report July 6  
Considered<sup>o</sup> July 11  
Read 3<sup>o</sup> July 13  
1. Royal Assent July 24 [39 & 40 Vict. c. 33]

**Trade Union Act (1871) Amendment Bill  
(The Lord Aberdare)**

1. Royal Assent June 30 [39 & 40 Vict. c. 22]

**Training Schools and Ships Bill  
(Captain Pim, Mr. Coope)**

- c. Bill withdrawn<sup>o</sup> July 26 [Bill 13]

**Tralee Savings Bank Bill**

(Mr. William Henry Smith, Sir Michael Hicks-  
Beach)

- c. Ordered; read 1<sup>o</sup> July 27 [Bill 275]

**Tramways (Ireland) Acts Amendment  
(Dublin) Bill**

(Sir Michael Hicks-Beach, Mr. Solicitor General  
for Ireland)

- c. Ordered; read 1<sup>o</sup> June 22 [Bill 207]

**Tramways Order Confirmation (Wantage)  
Bill [H.L.] (The Lord President)**

1. Royal Assent June 27 [39 & 40 Vict. c. 42]

**Tramways Orders Confirmation (Bristol,  
&c.) Bill [H.L.]**

(The Lord President)

1. Read 3<sup>o</sup> June 19 (No. 60)  
c. Read 1<sup>o</sup> June 21 [Bill 203]  
Read 2<sup>o</sup> June 26  
Committee<sup>o</sup>; Report July 6  
Considered<sup>o</sup> July 7  
Read 3<sup>o</sup> July 10  
1. Royal Assent July 24 [39 & 40 Vict. c. 61]

**Treasury Solicitor Bill**

(The Lord President)

1. Royal Assent June 27 [39 & 40 Vict. c. 18]

**Treaty of Washington—Canadian Fishery  
Commission**

Question, Mr. E. Jenkins; Answer, Mr.  
Bourke June 22, 263

**TREVELLYAN, Mr. G. O., Hawick, &c.**

Lisbon Tramways Company—Two cross v.  
Grant—Personal Explanation, 1485  
Poor Law (Scotland), Comm. 516

**Turkey**

**MISCELLANEOUS QUESTIONS**

**Alleged Atrocities in Bulgaria**, Question, Ob-  
servations, Mr. W. E. Forster; Reply, Mr.  
Disraeli June 26, 424; Question, Earl Gran-  
ville; Answer, The Earl of Derby July 10,  
1168; Question, Observations, Mr. W. E.  
Forster July 10, 1180; Moved, "That this  
House do now adjourn" (Mr. W. E. For-  
ster); after short debate, Motion with-  
drawn; Question, Mr. Baxter; Answer,  
Mr. Disraeli July 17, 1476; Ministerial  
Statement, Mr. Disraeli, 1486; Question,  
Mr. Baxter; Answer, Mr. Bourke July 21,  
1697; Question, Mr. Evelyn Ashley; An-  
swer, Mr. Bourke July 27, 1961

**Bosnia and Herzegovina**, Question, Mr. Bruce;  
Answer, Mr. Disraeli July 10, 1170

**Consular Memorandum on Herzegovina**, Ques-  
tion, Mr. Evelyn Ashley; Answer, Mr.  
Bourke July 17, 1480

**Murder of the Consuls at Salonica**, Questions,  
Earl De La Warr, Earl Granville; Answers,  
The Earl of Derby July 3, 847;—*The Cor-  
respondence*, Question, Mr. Childers; An-  
swer, Mr. Bourke; short debate thereon  
July 24, 1820

**Servia**

**Declaration of War by Servia**, Question, Earl  
Granville; Answer, The Earl of Derby  
June 29, 610; Question, The Marquess of  
Hartington; Answer, Mr. Disraeli, 623

**Russian Officers in the Servian Army**, Ques-  
tion, The Earl of Camperdown; Answer, The  
Earl of Derby July 3, 823

**The Insurrectionary Provinces**, Questions, Ob-  
servations, The Duke of Argyll, Earl De La  
Warr; Reply, The Earl of Derby June 26,  
385; Question, Mr. O'Reilly; Answer, The  
Chancellor of the Exchequer June 27, 500;  
Question, Sir Charles W. Dilke; Answer,  
Mr. Bourke June 30, 737; Question, Sir H.  
Drummond Wolff; Answer, Mr. Disraeli  
July 27, 1970;—*Reported Outbreak of Hos-  
tilities*, Question, The Marquess of Harting-  
ton; Answer, Mr. Disraeli July 3, 873

**The Servian Invasion**, Question, Mr. Hayter;  
Answer, Mr. Bourke July 4, 950

**The Eastern Question**

Question, Mr. Chaplin; Answers, Mr. T. C.  
Bruce, Mr. Disraeli June 22, 255; Mini-  
sterial Statement, Mr. Disraeli; Obser-  
vations, The Marquess of Hartington June 22,  
265; Observations, Mr. E. Jenkins; Reply,  
Mr. Disraeli July 3, 873; Moved, "That  
the House do now adjourn" (Mr. Edward  
Jenkins); after short debate, Motion with-  
drawn

**Official Declarations**, Question, Mr. E. Jenkins;  
Answer, Mr. Disraeli July 24, 1813

**Roumania**, Questions, Sir Charles W. Dilke;  
Answers, Mr. Bourke July 18, 1527

**The Papers**, Question, Mr. Fawcett; Answer,  
Mr. Disraeli July 4, 946; Question, Mr. E.

[cont.]



**Turkey—cont.**

Jenkins: Answer, Mr. Darnell July 10, 1174; Observations, Earl Granville; Reply, The Earl of Derby July 24, 1765

*The Naval Force in Turkish Waters*, Question, Mr. Biggar; Answer, Mr. Darnell July 27, 1963

*The Plague in Bagdad*, Question, Mr. Twells; Answer, Mr. Bourke June 26, 427

**Turkey—The Berlin Memorandum**

Moved, "That an humble Address be presented to Her Majesty for extracts of any recent correspondence which has taken place between Her Majesty's Government and that of Berlin on the subject of the insurrection of European Turkey" (*The Lord Strathairn and Campbell* June 26, 293; after debate, Motion withdrawn)

**Turkish Debt, The—The Loan of 1854**

Amend. on Committee of Supply July 4, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that Her Majesty will direct that a communication may be made to the President of the French Republic, in order to ascertain whether the French Government will unite with the Government of Her Majesty in pressing upon the Government of Turkey the complete fulfilment of the conditions upon which the Turkish Loan of 1854 was subscribed for" (*Mr. Russell* January 1, 1729; Question proposed, "That the words, &c.;" after debate, Amend. and Motion withdrawn)

**Turpentine Acts Continuance, &c. Bill**

(*Mr. Salt, Mr. Souter-Borch*)

a. Ordered: read 1<sup>st</sup> • June 26 [Bill 206]

Read 2<sup>d</sup> • July 4

Committee •: Report July 10

Considered • July 11

Read 3<sup>d</sup> • July 13

b. Read 1<sup>st</sup> • *Earl Jersey* July 14 (No. 175)

Read 2<sup>d</sup> • July 24

Committee •: Report July 25

Read 3<sup>d</sup> • July 27

**TWELLS, Mr. P., London**

Turkey—Bagdad, Plague in, 427

**Union of Benefices Bill [H.C.]**

*The Lord Bishop of Exeter*

a. Report of Select Comm. • June 27 (No. 146)

Bill reported • June 27 (Nos. 44, 147)

Committee July 4, 1883

Report • July 10

Read 1<sup>st</sup> • July 11

a. Read 1<sup>st</sup> • *Mr. A. Mills* July 14 [Bill 248]

**United States**

*Extradition—Case of Caldwell*, Question, Sir William Harcourt; Answer, Mr. Ambrose Cross July 4, 146

*Extradition*, Question, Observations, Earl Granville; Reply, The Earl of Derby July 20, 1617; Observations, Earl Granville; Reply, The Earl of Derby; long debate

**United States—cont.**

late thereon July 24, 1903; further debate adjourned *sine die*

*Extradition Treaty*, Question, Mr. Staveley Hill; Answer, The Chancellor of the Exchequer June 27, 480;—*Arrangement of Public Business*, Question, Sir William Harcourt; Answer, Mr. Buxton July 27, 1963

*International Exhibition Philadelphia—The British Commission*, Question, Mr. McCarthy Downing; Answer, Viscount Sandon July 17, 1479

*The Indian War*, Question, Sir Edward Watkin; Answer, Mr. J. Lowther July 2, 1007

**University of Cambridge Bill**

(*Mr. Spencer Walpole, Mr. Secretary Cross, Lord John Manners*)

a. Moved, "That the Bill be now read 2<sup>d</sup>" July 6, 1464

Amend. to leave out from "That," and add "in view of the large legislative powers entrusted to the University of Cambridge Commissioners by this Bill, this House is of opinion that the Bill does not sufficiently declare or define the principles and scope of the changes which such Commissioners are empowered to make in that University and the Colleges therein" (*Sir Charles F. Glyn*) v. : Question proposed, "That the words, &c.;" after long debate, Amend. withdrawn

Main Question put, and agreed to [Bill 27]  
[Bill 28]

**Valuation Bill**

(*Mr. Souter-Borch, Mr. Salt, Mr. Cross*)

*Henry Smith*

a. Bill withdrawn • July 26 [Bill 28]

**Valuation of Property (Metropolitan) Act 1869 Amendment Bill**

(*Mr. J. F. Froun, Mr. Fergus, Mr. Toulst*)

a. Bill withdrawn, after short debate July 26, 1869 [Bill 28]

**VERNER, Mr. E. W., Liverpool, L.**

*Jurors Qualification (Ireland)*, Comm. Submitted 1, 173

**WADDE, Mr. S. D., Jersey**

*Elementary Education (Ireland)*, Comm. Submitted 1, 186

**WATT, Mr. W. E., Gloucester**

*Army—Commissary, Payment of*, 210

*Elementary Education*, 186

*Elementary Education (Ireland)*, Comm. Submitted 1, 186

**WALPOLE, Right Hon. Spencer E.**

*Cambridge University*

*University of Cambridge Bill*, 186, 115

**WATKIN, Mr. J., Jersey**

*Elementary Education (Ireland)*, Comm. Submitted 1, 186

*For Law Amendment (Ireland)*, 186

[cont.]

**War Department Post Office (Remuneration, &c.) Bill**

(*Mr. William Henry Smith, Mr. Secretary Hardy, Lord John Manners*)

c. Ordered; read 1<sup>o</sup> \* June 22 [Bill 206]  
Read 2<sup>o</sup> \* June 26

**WARD, Dr. M. F., Galway**

Army Medical Officers, 426  
Elementary Education, Comm. *add. cl.* 1848  
India—Famine in Behar, 1046, 1047  
Medical Act Amendment (Foreign Universities), 2R. 1008  
Parliament—Public Business, Arrangement of, 1639  
Poor Law (Ireland)—South Dublin Workhouse, 1812  
Supreme Court of Judicature (Ireland), Comm. 354, 364

**Waste Lands and Peasants Dwellings (Ireland) Bill**

(*Mr. Biggar, Mr. Cowen, Mr. O'Sullivan*)

c. Ordered \* July 17

**Waste Lands (Ireland) Reclamation Bill**

(*Mr. Parnell, Mr. MacCarthy, Captain Nolan*)

c. Bill withdrawn \* June 28 [Bill 12]

**Waterford, New Ross, and Wexford Junction Railway (Sale) Bill**

(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

c. Committee\* (*on re-comm.*); Report June 19  
Read 3<sup>o</sup> \* June 20 [Bill 198]  
l. Read 1<sup>o</sup> \* (*The Lord President*), and referred to the Examiners June 22 (No. 133)  
Read 2<sup>o</sup> \* July 7  
Committee\*; Report July 10  
Read 3<sup>o</sup> \* July 11  
Royal Assent July 13 [39 & 40 Vict. c. 98]

**WATKIN, Sir E. W., Hythe**

Appellate Jurisdiction, Comm. 1168  
Army—Military Prisoners—Gunner Charlton, 1862  
Parliament—Order—Private Bills—Solicitation of Votes, Explanation, 860, 861, 863, 1135  
Turkey—Bulgaria, Atrocities in, 1185  
United States—Indian War, 1697

**WATNEY, Mr. J., Surrey, E.**

Elementary Education, Comm. *cl.* 16, 1497

**WAVENEY, Lord**

Languages (India)—Indian Civil Service, 1469  
Notices to Quit (Ireland), 2R. 1695

**WAYS AND MEANS**

**MISCELLANEOUS QUESTIONS**

*Inland Revenue—Armorial Bearings*, Question, Mr. J. G. Hubbard; Answer, The Chancellor of the Exchequer July 13, 1391  
*Inland Revenue Department—Extra Pay*, Question, Mr. Macdonald; Answer, The

[*cont.*]

**WAYS AND MEANS—cont.**

Chancellor of the Exchequer July 13, 1390;  
Explanation, The Chancellor of the Exchequer July 3, 858  
*Inland Revenue—Out-door Excise Establishment*, Question, Mr. Monk; Answer, The Chancellor of the Exchequer June 26, 422  
*Railway Passenger Duty*, Questions, Mr. Macdonald; Answers, The Chancellor of the Exchequer July 17, 1474  
*West Indies—Island of St. Vincent*, Question, Admiral Egerton; Answer, Mr. J. Lowther July 10, 1170

**WHALLEY, Mr. G. H., Peterborough**

Army (India)—Roman Catholic Chaplains, 1280, 1281, 1396  
Criminal Law Evidence Amendment, 2R. Bill withdrawn, 1938  
Elementary Education, Comm. *cl.* 28, 1508; *cl.* 33, 1511; *cl.* 34, 1512; *add. cl.* 1651, 1652, 1657, 1658, 1659, 1663, 1723, 1849, 1850, 1904, 2003, 2004  
English Channel—Straits Tunnel, 947  
India—Roman Catholic Cathedrals, 1889  
Papal Authority in Ireland, 948, 949  
Prisons, 2R. 933  
Prisons Bill—Roman Catholic Chaplains, 1394

**WHEELHOUSE, Mr. W. St. James, Leeds**

Commons, Consid. Amendt. 137  
Elementary Education, Comm. 1284; *add. cl.* 1663, 1665  
Medical Act Amendment (Foreign Universities), 2R. Amendt. 1004  
Orphan and Deserted Children (Ireland), 2R. 990  
Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1348

**WHITBREAD, Mr. S., Bedford**

Contagious Diseases Acts Repeal, 2R. 1603, 1614  
Elementary Education, Comm. *add. cl.* 1995  
Prisons, 2R. 314, 889

**WHITWELL, Mr. J., Kendal**

Bow Street Police Court (Site), 1625  
Cattle Disease (Ireland), Consid. 2022  
Commons, Consid. 132  
Elementary Education, Comm. *cl.* 4, 1290, 1292; *cl.* 14, 1456; Postponed *cl.* 8, 1829; *add. cl.* 1662, 1847, 1897, 2001  
Navy Estimates—Steam Machinery, &c. 472  
Orphan and Deserted Children (Ireland), 2R. 990  
Pollution of Rivers, 2R. 1876

**Wild Fowl Preservation Bill**

(*Mr. Chaplin, Mr. Rodwell*)

c. Read 3<sup>o</sup> \* June 20 [Bill 42]  
l. Read 1<sup>o</sup> \* (*The Lord Henniker*) June 22 (No. 134)  
Read 2<sup>o</sup> \* July 3, 846  
Committee\*; Report July 10  
Read 3<sup>o</sup> \* July 17, 1469; after short debate, Bill passed  
Royal Assent July 24 [39 & 40 Vict. c. 29]

**WILLIAMS, Mr. W., Denbigh, &c.**

Appellate Jurisdiction, Comm. *cl.* 3, 1160

**WILMOT, Sir J. E., *Warwickshire, S.***

Administration of the Navy, Motion for a Royal Commission, 439, 454, 455

Appellate Jurisdiction, Comm. cl. 3, 1159; cl. 6, 1161

Convicted Children, Comm. 1029

Criminal Law Evidence Amendment, 2R. Bill withdrawn, 1934

Elementary Education, Comm. cl. 8, 1530

Harbours of Refuge—North-East Coast, 1972

Irish Parliament, Motion for a Select Committee, 783

Jurors Qualification (Ireland), 3R. 339

Lunatics, Committal and Treatment of, 1167

Metropolitan Police—Helmets, 1819

Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1365

**WINMARLEIGH, Lord**

Cruelty to Animals, Comm. cl. 3, 109, 119

Local Government Board's Provisional Orders

Confirmation (Birmingham, &amp;c.), Comm. 1522

**Winter Assizes Bill**

(Mr. Secretary Cross, Mr. Attorney General)

a. Ordered; read 1<sup>o</sup> \* July 12 [Bill 245]Read 2<sup>o</sup> \* July 17

Committee \*—R.P. July 25

Committee \*; Report July 26

Considered \* July 27

**WOLFF, Sir H. D., *Christchurch***

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Egypt—General Kirkham, Imprisonment of, 1477

Slave Trade in the Red Sea, 869, 1136, 1815

Turkey—Eastern Question, 879

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Turkish Debt—Loan of 1854, Res. 1756

**WYNDEHAM, Hon. P. S., *Cumberland, W.***

Declaration of Paris, 1856, Res. 1457

Parliament—Order—Balloting for Motions, 12, 259

Turkey—Eastern Question, 881, 882

**YEAMAN, Mr. J., *Dundee***

Pollution of Rivers, 2R. 1878

Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2), 2R. 1366

**YORKE, Mr. J. R., *Gloucestershire, E.***

Brussels International Exhibition, 1886

Exhibition Commissioners of 1851—Financial Position, 264

Navy—H.M.S. "Thunderer"—Explosion, 1526

Prisons, 2R. 901

Turkey—Eastern Question, 874

**ERRATA.**

Page 751, line 23 from top, for "1872" read "1782."

Page 767, line 8 from top, for "off" read "of."

END OF VOLUME CCXXX., AND FOURTH VOLUME OF  
SESSION 1876.





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